

Updated June 6, 2018

Additional Information

- Senate Committee Amendments:
 - Creates an exemption from the Public Records Law for "protected health information," as defined in the federal Health Insurance Portability and Accountability Act (HIPPA), when included in a health claim for payment or another document revealing the identity of an individual.
 - Updates R.C. 149.43; technical correction.
 - Provides for a journalist exemption to allow access to certain personal information concerning a minor in a record related to a school vehicle traffic accident.
- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

H.B. 430 (SCHAFFER)

Expand sales tax exemption for oil and gas production property

House Co-Sponsors: Faber, Rep. Antani, Rep. Brenner, Rep. Ginter, Rep. Green, Rep. Greenspan, Rep. Hagan, Rep. Hambley, Rep. Hill, Rep. Johnson, Rep. Landis, Rep. Lang, Rep. Merrin, Rep. Pelanda, Rep. Perales, Rep. Reineke, Rep. Roegner, Rep. Rogers, Rep. Romanchuk, Rep. Ryan, Rep. Schuring, Rep. Slaby, Rep. Smith, Rep. Sprague, Rep. Thompson, Rep. Wiggam, Rep. Young

Senate Co-Sponsors: Sen. Hackett, Sen. Beagle, Sen. Eklund

Bill History

- 11/29/17 – Introduced
- 1/25/18 – Reported by House Government Accountability and Oversight Committee (4 Hearings), (9-2)
- 1/31/18—Passed House 85-12
- 5/23/18—Reported substitute by Senate Ways and Means Committee (9-0)
- 6/6/18—Passed Senate

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Jeff McClain (Ohio Chamber of Commerce)• Tom Stewart (Ohio Oil & Gas Association)• David Hill (private citizen)	<ul style="list-style-type: none">• Wendy Patton (Policy Matters Ohio)• Ted Bernert (Stingray Pressure Pumping)	<ul style="list-style-type: none">• Jon Honeck (County Commissioners Association of Ohio)• Michael Wise (Gulfport Energy)• Matthew Chafin (Department of Taxation)

Key Provisions

- Modifies the sales and use tax exemption for property used in producing oil and natural gas.
- Specifies that property that is approved by the Department of Natural Resources as part of a water pollution control facility qualifies for existing property and sales and use tax exemptions.

Additional Information

- **Senate Amendments**
 - Retains the current law requirement that goods and services be used "directly" in the production of crude oil or natural gas in order for their purchase to be exempt from sales and use taxation.

- Defines the term "production" – rather than referring to an existing definition of "production operations" in the Oil and Gas Regulation Law – to include operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain oil or gas, to prepare the wellbore for production, and to lift and control all substances yielded by the reservoir to the surface of the earth.
 - Lists several examples of goods and services used in the production of oil or gas that are specifically exempt from sales tax.
 - Lists several examples of goods and services that are not exempt under the directly-used-in-production exemption. (The House-passed bill, alternatively, lists activities that do not qualify as a "production operation." Under that bill, goods and services not used in a "production operation" are taxable.)
 - Clarifies a provision of the House-passed bill that specifies that property approved by the Department of Natural Resources as part of a water pollution control facility qualifies for existing property and sales and use tax exemptions.
 - With regard to the retrospective application of the bill, removes a statement that the bill applies retrospectively to 2010, and instead states that it applies only to cases and audits pending as of May 18, 2018.
 - Extends the moratorium on issuing a fireworks manufacturer or wholesaler license and approving the geographic transfer of those licenses to December 31, 2019.
- **Policy Advisor:** Jimmy Wolf, 6146-466-6505, jimmy.wolf@ohiohouse.gov

From: Lundregan, Scott

Sent: Wednesday, June 6, 2018 5:47 PM

To: Sarko, Alyssa; Kerns, Emily

Subject: Fwd: Caucus Packets

Attachments: SB 135 (LaRose) - Bill Briefing.pdf; ATT00001.htm; Caucus Agenda -- 6.6.18 MM.docx; ATT00002.htm; HB 21 Bill Brief-PENDING CONCURRENCE.docx; ATT00003.htm; Bill Briefing (HB 159 - Riedel).docx; ATT00004.htm; HB 438 Bill Brief-PENDING CONCURRENCE.docx; ATT00005.htm; Bill Brief HB 133 (Ryan).pdf; ATT00006.htm; HB 225 Bill Brief (Thompson).pdf; ATT00007.htm; HB 111 Bill Briefing.docx; ATT00008.htm; HB 332 Bill Briefing.docx; ATT00009.htm; HB 366 Bill Briefing.docx; ATT00010.htm; HB 292 (Scherer) - Bill Briefing NEW.docx; ATT00011.htm; HB 366 Bill Briefing.docx; ATT00012.htm; Bill Briefing (HB 229 - Romanchuk-Wiggam) 6-6-18.pdf; ATT00013.htm; HB 8 (Hambley Rezabek) 6-6-18.pdf; ATT00014.htm; Bill Briefing (HB 430 - Schaffer).docx; ATT00015.htm

Sent from my iPhone

Begin forwarded message:

From: "Myers, Marisa" <marisa.myers@ohiohouse.gov>

Date: June 6, 2018 at 5:36:02 PM EDT

To: "Lundregan, Scott" <Scott.Lundregan@ohiohouse.gov>

Subject: Caucus Packets

Marisa Myers

Deputy Policy Director | Majority Caucus

Ohio House of Representatives | 77 S. High Street Columbus, Ohio 43215

p. 614.728.5523 | e. Marisa.Myers@ohiohouse.gov

SUB. S.B. 135 (LAROSE)
Implement voting machine acquisition program

Senate Co-Sponsors: Eklund, Uecker, Brown, Skindell, Beagle, Gardner, Hackett, Hottinger, Kunze, Lehner, Manning, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Wilson, Yuko

Bill History

- 4/20/17 – Introduced
- 4/11/18 – Reported by Senate Finance Committee (4 hearings)(13-0)
- 4/11/18 – Passed Senate (32-1, Jordan)
- 5/23/18 – Reported by House Finance Committee (3 hearings)(27-0)
- 6/5/18 – House Floor vote pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> • Stephanie Krider (Ohio Secretary of State) – <i>House & Senate testimony</i> • Edward Leonard & Timothy Ward (Ohio Association of Election Officials) – <i>House & Senate testimony</i> • Gary Lee (Union County Commissioners) – <i>House & Senate testimony</i> • Dan Troy (Lake County Commissioners) – <i>House & Senate testimony</i> • Peg Rosenfeld – League of Women Voters – <i>House testimony</i> 	n/a	<ul style="list-style-type: none"> • Kurt Kauffman (Office of Budget and Management) – <i>Senate testimony</i> • Greg Lawson (The Buckeye Institute) – <i>Senate testimony</i>

Key Provisions

Voting machine acquisition program

- Requires the Secretary of State to implement a program to facilitate the acquisition and funding of new voting systems for Ohio's counties, with the assistance of the Department of Administrative Services (DAS).
- Creates the Voting Machine Acquisition Advisory Committee for the purpose of advising the Secretary and DAS in the acquisition and funding of new voting systems.
- Requires the Office of Budget and Management, at the request of the Secretary, to make arrangements for the issuance of obligations in an amount not to exceed \$104.5 million to ensure the timely payment of the costs of the voting systems acquisition program.
- Allows the Secretary to enter into one or more lease purchase agreements or master lease purchase agreements, supplemental leases, subleases, and any other agreements necessary for the issuance of those obligations.

Updated June 5, 2018

- Requires the Secretary to give a base funding allocation to each county based on its population, plus an additional allocation based on the actual number of registered voters in the county as of July 1, 2017.
- Specifies that each participating board of elections must select voting machines and related services from the list of vendors and voting machines certified by the Board of Voting Machine Examiners.
- Requires the Secretary and the board of county commissioners to enter into an agreement concerning the acquisition of the voting system.
- Provides that the Secretary is the owner of the voting system while the obligations are outstanding and that the board of county commissioners owns the system thereafter.
- Requires the board of county commissioners to pay any amount that exceeds the county's allocated funds under the bill.

Reimbursements for recent voting system purchases

- Appropriates \$10 million from the General Revenue Fund to reimburse counties for voting system acquisitions or lease expenditures made on or after January 1, 2014, and before the bill takes effect, provided that the reimbursement does not exceed the county's allocation as determined under the bill.

Effective date and referendum

- States that the bill's provisions are exempt from the referendum and take effect immediately, except that the section concerning the obligations is subject to the referendum and therefore takes effect on the 91st day after the bill is filed with the Secretary.

Additional Information

- **House Finance Committee amendment:**
 - **AM 2098-1 (Arndt)** – The amendment changes how the \$10 million appropriation to reimburse counties that have recently bought voting equipment will be allocated. The money will go through Controlling Board instead of a separate line item. The amendment was approved without objection.
- **Fiscal Note & Local Impact Statement:**
 - The bill provides \$104.5 million in fractionalized interests in public obligations (Certificates of Participation, or COPs) for the Secretary of State to acquire new voting machines and related services. The proceeds will be used to assist counties to pay for these acquisitions and be allocated to counties in a formula established in the bill.
 - The bill provides \$10 million in GRF funding in under newly created Controlling Board appropriation item 911917, Voting and Tabulation Equipment Reimbursement, to assist counties in paying the costs of new voting and tabulation equipment bought after January 1, 2014 and before the effective date of the bill. Counties would be eligible for reimbursement for a portion of the costs determined by a formula described in the bill.
- **Policy staff:** Dan Baker, Budget Director: (614) 644-2235, dan.baker@ohiohouse.gov; Heather Blessing, 614.466.9194 (Office); 614.352.5819 (Cell); Heather.Blessing@ohiohouse.gov

Caucus Agenda
Wednesday, June 6, 2018
7:00 PM

I. Speaker's Remarks

II. Floor Calendar

- a. House Bill 407 – Rep. Seitz, Dever
- b. House Bill 297 – Rep. Hagan
- c. House Bill 391 – Rep. Merrin
- d. House Bill 433 – Reps. Kelly, Brinkman
- e. House Bill 414 – Rep. Schaffer
- f. House Bill 464 – Reps. Lipps, Antonio
- g. House Bill 491 – Rep. Edwards
- h. House Bill 535 – Rep. Gavarone
- i. House Bill 315 – Rep. Arndt
- j. House Bill 123 – Reps. Koehler, Ashford
- k. House Bill 456 – Rep. Sprague
- l. House Bill 411 – Reps. Seitz, Sykes
- m. House Resolution 298 – Reps. Sprague, Hill
- n. Senate Bill 139 – Sens. Skindell, Eklund

- o. Senate Bill 163 – Sen. Wilson
- p. Senate Concurrent Resolution 15 – Sens. O'Brien, Wilson
- q. Senate Bill 135 – Sen. LaRose

III. Concurrence Votes

- a. House Bill 8 – Reps. Hambley, Rezabek
- b. House Bill 21 – Rep. Hambley
- c. House Bill 111 – Reps. Carfagna, Ryan
- d. House Bill 133 – Rep. Ryan
- e. House Bill 159 – Rep. Riedel
- f. House Bill 225 – Rep. Thompson
- g. House Bill 229 – Reps. Romanchuk, Wiggam
- h. House Bill 292 – Rep. Scherer
- i. House Bill 332 – Rep. Antani
- j. House Bill 336 – Rep. Gavarone
- k. House Bill 438 – Reps. Hambley, Kick
- l. House Bill 430 – Rep. Schaffer

IV. Adjournment

SUB. H.B. 21 (HAMBLEY)
Verify community school enrollments

House Co-Sponsors: Duffey, Hill, Riedel, Johnson, G., Miller, Rogers, Brenner, Fedor, Cupp, Galonski, Ingram, Manning, Patterson, Anielski, Antonio, Barnes, Boyd, Brown, Celebrezze, Clyde, Craig, Edwards, Faber, Ginter, Greenspan, Holmes, Howse, Hughes, Johnson, Kelly, Kick, Koehler, Lang, Leland, Lepore-Hagan, Perales, Ramos, Rezabek, Ryan, Schaffer, Sheehy, Smith, K., Smith, R., Stein, Strahorn, Sweeney, West, Young
Senate Co-Sponsors: Manning, Balderson, Beagle, Dolan, Eklund, Gardner, Hackett, Hoagland, Kunze, Lehner, Oelslager, Tavares, Terhar, Thomas

Bill History

- 2/1/2017 – Introduced
- 11/28/2017 – Reported as a substitute bill from House Education and Career Readiness Committee (16-0) (5 Hearings)
- 12/13/2017 – House Floor Vote (94-0)
- 5/23/2018 – Reported out of Senate Education Committee (10-0) (6 Hearings)
- 5/23/2018 – Senate Floor Vote (32-0)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Matt Dotson (Ohio Education Association)• Auditor of State Dave Yost• OASBO• BASA• OSBA• Sandy White (Findlay City Schools)• Jamie Williamson (Marburn Academy)• Lou Salza (Lawrence School)• Andrew Minton (K12)		<ul style="list-style-type: none">• Ron Adler (Ohio Coalition for Quality Education)• Michael Uhrin & John Uhrin (K12 School Consultants, LLC)• Jennifer Schorr (Ohio Assn. of Charter School Authorizers)

Key Provisions

- Requires the community school, instead of a school district, to verify a community school student's resident district on an annual basis and upon the enrollment of a student.
- Requires community schools, instead of school districts, to conduct monthly reviews of the residency records of its students.
- Permits school districts to review a community school's residency records and enrollment verifications.
- Requires, instead of permits as under current law, community schools to adopt a policy that prescribes the number of documents needed to initially verify a student's residency.
- Requires community schools to adopt a policy that prescribes the information needed to annually verify a student's residency.
- Specifies that the contract between the sponsor and governing authority of a community school must include policies regarding changes in residence and address verification.

Additional Information

- **Substitute Bill (L_132_0083-6)** – reflected in “Key Provisions”
- **Senate Amendments**
 - AM1382-1 – This amendment would exempt a private school solely serving at least 95% of students with disabilities for at least 10 years from taking the state assessments. Also, the amendment requires the school to make available to the department at least five years of records of internal testing for accountability purposes.
 - AM1603 – Eliminates the EMIS Advisory Board and replaces with EMIS Advisory Council within ODE.
 - AM2168 - This amendment provides for a 30-day public comment period on the proposed community/charter school sponsor evaluation framework.
 - AM2023 – Places a three-year moratorium on requiring schools (public & private), whom have not already installed a storm shelter in their building.
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); nick.derksen@ohiohouse.gov

SUB. H.B. 159 (RIEDEL)
Designate Drive Ohio Byways Month

House Co-Sponsors: Hambley, Sweeney, Brenner, Dean, Cupp, Reineke, Blessing, Lepore-Hagan, K. Smith, Goodman, Thompson, Green, Greenspan, Sheehy, DeVitis, Householder, Hughes, Johnson, Reece, West, Antonio, Ashford, Barnes, Brown, Craig, Faber, Galonski, Gavarone, Ginter, Holmes, Landis, Lang, LaTourette, O'Brien, Patterson, Rogers, Romanchuk, Ryan, Strahorn, Young
Senate Co-Sponsors: LaRose, Kunze, Manning, Brown, Tavares, Bacon, Coley, Dolan, Hackett, Huffman, O'Brien, Peterson, Schiavoni, Sykes, Thomas, Uecker, Wilson, Yuko

Bill History

- 3/28/17 – Introduced
- 5/24/17 – House Transportation and Public Safety Committee (2 Hearings), (15-0)
- 9/20/2017 – House Floor Vote (93-0)
- 4/18/2018 – Reported unanimously from Senate Transportation, Commerce and Workforce (3 Hearings)
- 5/16/2018 – Senate Floor Vote (32-0)
- Pending House Concurrence

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Donna Grube (Auglaize & Mercer Counties Convention and Visitors Bureaus)• Linda Baker (Delphos Canal Commission)• Tina Knotts (Big Darby Plains Scenic Byway)• Judy Bratten (Historic Fort Steuben & Visitor Center)• Michael Burkholder (City of St. Mary's)• Steven Dorsten (Miami & Erie Canal Corridor Association)• Larry Fletcher (Lake Erie Shore and Islands)		

<ul style="list-style-type: none">• William Flood (Whitehall Historical Society)• Jeanne Jindra (Welsh Scenic Byway)• Shasta Mast (Holmes County Chamber of Commerce)• Debbie Robinson (Cambridge/Guernsey County Visitors & Convention Bureau)• Stephanie Siegel (Ashtabula County Convention & Visitors Bureau)• Martha Starkey (Wayne County Convention & Visitors Bureau)		
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Key Provisions

- Designates May as "Drive Ohio Byways Month" because May is the start of tourism season in Ohio.

Additional Information

- **Senate Amendments**
 - Incrementally increases the required contribution for "Fraternal Order of Police" nonstandard license plates from \$2 to \$5 beginning on the bill's effective date, and from \$5 to \$8 two years later. (The license plate is available to Fraternal Order of Police members and contributions are used for purposes of that organization).
- **Policy Advisor:** Nick Derksen, 614.466.2361 (office), 937.602.2174 (cell), Nick.Derksen@ohiohouse.gov

SUB. H.B. 438 (HAMBLEY, KICK)
Address composition of educational service centers

House Co-Sponsors: Seitz, Brenner, Stein, Anielski, Antonio, Greenspan,
Householder, Landis, Rogers, Smith, R., Strahorn, West, Wiggam
Senate Co-Sponsors: Beagle, Brown, Dolan, Eklund, Huffman, Lehner, Manning,
Obhof,
O'Brien, Tavares, Thomas, Yuko

Bill History

- 12/4/2017 – Introduced
- 1/30/2018 – Reported unanimously out of House Education and Career
Readiness Committee
(4 Hearings)
- 3/21/2018 – Introduced (Senate)
- 5/16/2018 – Reported unanimously out of Senate Education (2 Hearings)
- 5/23/2018 – Senate Floor Vote (31-0)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Craig Burford (Ohio ESC Association)• William Koran (ESC of Medina County)		

Key Provisions

- Permits a "local" school district to sever its territory from its current educational service center (ESC) and annex its territory to an adjacent ESC, so long as that district severed and annexed its territory under a substantially similar provision of law that was repealed in 2011.
- Permits the governing board of any ESC (rather than only the governing board of a joint ESC) to add appointed members to the board.

Additional Information

House Amendments

- **AM1276** – Retains current law allowing governing boards to appoint members from the

general public based on their knowledge, experiences and skillset, and requires they adhered to the same ethics laws and standards of conduct as the publicly-elected.

members of the board.

- **AM1265-2** – Allows all ESCs to establish Local Professional Development Committees serving educators not employed in Ohio’s schools for the purpose of reviewing the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by individuals for the purpose of maintaining professional licensure.

Senate Amendments

- **AM1989-1** – OFCC must conduct at least three rounds of grant funding for high-performing community school distribution, using \$3.8 million left over from previous rounds. A community school that has received funding in the past shall still be eligible for the funding, if the school chooses to apply.
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); nick.derksen@ohiohouse.gov

H.B. 133 (Ryan)

Exempt out-of-state disaster relief persons from taxes and laws

House Co-Sponsors: Hambley, Hill, Carfagna, Seitz, Schaffer, Lipps, Arndt, Green, Ginter, Slaby, Cupp, Dean, Reineke, Miller, Anielski, Antani, Antonio, Ashford, Barnes, Blessing, Brown, Craig, Duffey, Fedor, Galonski, Gavarone, Greenspan, Holmes, Howse, Hughes, Kennedy Kent, Rep. Kick, Rep. Koehler, Rep. Lanese, Lang, LaTourette, Leland, Lepore-Hagan, Manning, McColley, Merrin, O'Brien, Patterson, Patton, Pelanda, Perales, Rezabek, Riedel, Roegner, Rogers, Schuring, Sheehy, Smith, Sprague, Stein, Sweeney, West, Wiggam, Young

Senate Co-Sponsors: Sen. Terhar, Sen. Eklund, Sen. Beagle, Sen. Burke, Sen. Coley, Sen. Dolan, Sen. Gardner, Sen. Hackett, Sen. Hoagland, Sen. Hottinger, Sen. LaRose, Sen. Lehner, Sen. O'Brien, Sen. Oelslager, Sen. Peterson, Sen. Schiavoni, Sen. Sykes, Sen. Tavares, Sen. Thomas, Sen. Wilson, Sen. Yuko

Bill History

- 3/16/17—Introduced
- 6/21/17—Unanimously reported by House Public Utilities Committee
- 9/13/17—Passed House 97-0
- 5/16/18—Reported substitute by Senate Ways and Means Committee
- 5/16/18—Passed Senate 32-0

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Joe Hollabaugh (OEUI)• Jimmy Stewart (Ohio Gas Association)• Jonathon McGee (Ohio Cable Telecommunications Association)• Charles Moses (Ohio Telecommunications Association)• Micah Derry (Americans for Prosperity)• Chris Ferruso (NFIB)		<ul style="list-style-type: none">• Greg Lawson (Buckeye Institute)• Kent Scarrett (Ohio Municipal League)

<ul style="list-style-type: none"> • Keith Lake (Ohio Chamber of Commerce) • Jason Kershner (Cincinnati USA Regional Chamber of Commerce) • Bo Keck (Muskingum County Emergency Management Agency) • Jeff McElroy (American Red Cross of Central Ohio) 		
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Key Provisions

- Exempts from state and municipal income taxes any income received by an out-ofstate disaster business or qualifying out-of-state employee for work repairing public utility or communications infrastructure damaged by a declared disaster during a defined period of time pursuant to a formal solicitation.
- Exempts from the commercial activity tax any gross receipts received by an out-ofstate disaster business for repairing such infrastructure during such a period.
- Exempts from state and local use taxes the temporary use in Ohio of any equipment by an out-of-state disaster business to repair such infrastructure.
- Exempts from any state or local occupational licensing requirements certain out-ofstate disaster businesses and qualifying out-of-state employees performing disaster work in Ohio during such a period.
- Exempts from Ohio's workers' compensation and unemployment compensation laws out-of-state employees performing disaster work in Ohio during such a period.
- Provides that an out-of-state disaster business or out-of-state employee engaging in disaster work in Ohio during such a period is not required to file any business documents in Ohio before engaging in the disaster work.
- Modifies the calculation of the interest penalty imposed for the underpayment or nonpayment of estimated state income tax installments.

Additional Information

- Senate Ways and Means Committee added provision modifying the calculation of the interest penalty imposed for underpayment or nonpayment.
- **Policy Advisor:** Jimmy Wolf, 614-466-6505, jimmy.wolf@ohiohouse.gov

HB 225 (Thompson)

Regards plugging idle or orphaned wells

House Co-sponsors: Rep. Hambley, Rep. Householder, Rep. Stein, Rep. Brenner, Rep. Riedel, Rep. Dean, Rep. Schaffer, Rep. Seitz, Rep. Keller, Rep. Edwards, Rep. Greenspan, Rep. Patterson, Rep. Wiggam, Rep. Retherford, Rep. Ginter, Rep. Barnes, Rep. Young, Rep. Romanchuk, Rep. Landis, Rep. Kick, Rep. Patton, Rep. Faber, Rep. West, Rep. Boccieri, Rep. Hagan, Rep. O'Brien, Rep. Gavarone, Rep. Anielski, Rep. Antonio, Rep. Arndt, Rep. Boyd, Rep. Carfagna, Rep. Craig, Rep. Green, Rep. Holmes, Rep. Hoops, Rep. Johnson, Rep. Kennedy Kent, Rep. Lang, Rep. LaTourette, Rep. Lepore-Hagan, Rep. Manning, Rep. Miller, Rep. Pelanda, Rep. Reineke, Rep. Roegner, Rep. Rogers, Rep. Ryan, Rep. Schuring, Rep. Sheehy, Rep. Slaby, Rep. Smith, Rep. Smith, Rep. Sprague, Rep. Sweeney, Rep. Vitale

Senate Co-sponsors: Sen. Gardner, Sen. Hoagland, Sen. LaRose, Sen. Balderson, Sen. Burke, Sen. Coley, Sen. Dolan, Sen. Eklund, Sen. Hackett, Sen. Hottinger, Sen. Huffman, Sen. Jordan, Sen. Kunze, Sen. Lehner, Sen. Obhof, Sen. O'Brien, Sen. Oelslager, Sen. Peterson, Sen. Schiavoni, Sen. Tavares, Sen. Terhar, Sen. Thomas, Sen. Williams, Sen. Yuko

Bill History

- 5/16/17—Introduced
- 1/17/18—Reported substitute from House Energy and Natural Resources Committee (12-0)
- 1/17/18—Passed House 96-0
- 5/16/18—Reported substitute from Senate Energy and Natural Resources Committee
- 5/23/18—Passed Senate 32-0

Stakeholders

Proponents	Opponents	Interested Party
<ul style="list-style-type: none">• Jenna Beadle (Ohio Farm Bureau Federation)• Shawn Bennett (Ohio Oil and Gas Association)• Melanie Houston (Ohio Environmental Council Action Fund)• William Kinney (Summit Petroleum)• Rebecca Clutter		<ul style="list-style-type: none">• Timothy S. Keen (Office of Budget Management)• Rick Simmers (Ohio Department of Natural Resources)

<ul style="list-style-type: none"> • Jerry James (Artex Oil Company) 		
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Key Provisions

- Authorizes a landowner who discovers an idle and orphaned well to report the existence of that well to the Chief of the Division of Oil and Gas Resources Management in the Department of Natural Resources.
- Requires the Chief to inspect a well reported by a landowner within 30 days after the date the landowner reports the existence of that well.
- Requires the Chief of the Division of Oil and Gas Resources Management to do both of the following:
 - Establish a scoring matrix for idle and orphaned wells; and
 - Use the matrix to determine the priority of plugging wells or restoring land surfaces at idle and orphaned well sites that includes a classification system that categorizes those wells as distressed high priority, moderate medium priority, and maintenance low priority.
- Requires 30% of the revenue credited to the Oil and Gas Well Fund to be used by the Chief for purposes associated with plugging idle and orphaned wells, rather than 14% as under current law.
- Increases appropriations in FY 2019 under the Oil and Gas Well Fund for oil and gas well plugging by \$7.0 million to a total of \$15.0 million.
- Revises notice requirements and procedures that the Chief must follow once the Chief has determined that a well is idle and orphaned, and notice requirements applicable when the Chief is authorized to expend money to plug a well.
- Alters the time frame by which the holder of a lien on equipment appurtenant to an idle and orphaned well must act to properly plug the well before the equipment is forfeited to the state from 60 days after receiving notice from the Chief to 30 days after receiving the notice.
- Authorizes the Chief to make expenditures to plug an idle and orphaned well pursuant to contracts entered into by other state agencies, and specifies that if another agency contracts for the work, the Chief must prepare the scope of work for the restoration or plugging.
- Eliminates a requirement that a contractor obtain and provide a bid guaranty, surety bond, or letter of credit when bidding for contracts with the Chief to plug an idle and orphaned well.
- Requires a contractor hired by a landowner to plug an idle and orphaned well to be insured and bonded.

- Specifies that, with regard to an idle and orphaned well, a landowner is not required to pay the permit application fee otherwise required to be paid by a person who plugs a well.
- Authorizes the Chief to reject an application to plug an idle and orphaned well if the Chief determines that plugging of other wells takes priority.
- Requires the Chief, once plugging has been properly completed, to pay the contractor for the cost of plugging and restoration rather than requiring the Chief to reimburse the landowner after the landowner has paid the contractor.
- Requires the Chief to fulfill quarterly and annual reporting requirements regarding plugging activities.

Additional Information

- **Senate Amendments**
 - Reduced percentage of revenue from 45% to 30%
 - Requires report to be provided to Senate President and Senate Chairperson for committee responsible for energy and natural resources
 - Increases appropriations in FY19 under the Oil and Gas Well Fund for oil and gas well plugging by \$7 million to a total of \$15 million
 - Removed provision of as passed by House version precluding use of money in the Oil and Gas Well Fund from being used to satisfy judgements and settlements against the state provided in Am. Sub. HB 49
 - Removed provision of as passed by House version precluding cash transfers from the Oil and Gas Well Fund to the General Revenue Fund under authorization granted in Am. Sub. HB 49.

Policy Advisor: Jimmy Wolf, 614-466-6505, jimmy.wolf@ohiohouse.gov

H.B. 111 (CARFAGNA, RYAN)

Authorize nurses to compel mental health evaluations

House Co-Sponsors: Brenner, Butler, Cupp, Dever, Duffey, Goodman, Hambley, LaTourette, Riedel, Schaffer, Seitz, Stein, Wiggam, Young, Holmes, O'Brien, Bishoff, Anielski, Antonio, Arndt, Blessing, Boccieri, Boyd, Celebrezze, Clyde, Craig, Edwards, Fedor, Gavarone, Ginter, Green, Greenspan, Householder, Howse, Huffman, Ingram, Keller, Kennedy-Kent, Kick, Landis, Leland, Lepore-Hagan, Manning, Miller, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Rogers, Scherer, Sprague, Strahorn, Sweeney, West

Senate Co-Sponsors: Brown, Burke, Eklund, Hackett, Hoagland, Kunze, Lehner, O'Brien, Schiavoni, Sykes, Tavares, Thomas, Yuko

Bill History

- 3/29/2017 –House Health Committee (2 Hearings), (18-0)
- 3/30/2017 – House Floor Vote (96-0)
- 5/22/2018 – Senate Health, Human Services, and Medicaid Committee (7 Hearings), (10-0)
- 5/23/2018 – Senate Floor Vote (32-0)
- House Concurrence Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Cathy Rinehart, CNP (Ohio Association of Advanced Practice Nurses)• Christine Dombroski	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None

Key Provisions

- Requires, beginning 12 months after the bill's effective date, that all types of opioid treatment programs (OTPs), rather than only methadone treatment programs, be licensed by the Ohio Department of Mental Health and Addiction Services (ODMHAS).
- Specifies that failure to obtain OTP license when required to do so is a fifth degree felony.
- Applies to methadone treatment programs, for the 12-month period that ODMHAS continues to issue licenses to maintain methadone treatment, the same program location and adverse action look-back period requirements the bill applies to OTPs.

- Makes conforming changes to account for the replacement of the license to maintain methadone treatment with the license to operate an OTP.
- Generally prohibits, beginning 15 months after the bill's effective date, a person or government entity from providing three types of services (withdrawal management addiction services provided in settings other than acute care hospitals, addiction services provided in a residential treatment setting, and outpatient addiction services) unless the services have been certified by the ODMHAS Director.
- Specifies that violation of the prohibition is a fifth degree felony.
- Authorizes ODMHAS and its Director to take actions needed to prepare for the mandatory certification of these services and the replacement of the methadone treatment program licensure with OTP licensure.
- Permits a clinical nurse specialist or certified nurse practitioner who is certified as a psychiatric-mental health nurse to have an individual involuntarily hospitalized for mental health treatment in an emergency.
- Authorizes an APRN who is a certified nurse practitioner specializing in mental health to enter into agreement standard care arrangement with a psychiatrist, pediatrician, or primary care or family care physician.
- Authorizes an APRN to refer a patient to a physician or podiatrist who is not the collaborating practitioner and to consult with a noncollaborating practitioner.
- Re-enacts provisions, repealed in 2013, that exempted certain "grandfathered" APRNs from having to meet educational and examination requirements generally required for licensure.
- Authorizes the grandfathered APRNs to meet different advanced pharmacology documentation requirements than similar in-state licensure applicants.
- Declares an emergency with respect to the provisions pertaining to grandfathered APRN applicants.
- Reduces to six (from twelve) the minimum number of months that an applicant for dialysis technician licensure must have performed dialysis care as a condition of attaining licensure.
- Extends to two years (from one) the license renewal period for orthotists, prosthetists, and pedorthists.
- Requires the Occupational Therapy, Physical Therapy, and Athletic Trainers Board to adopt rules establishing a specific license renewal schedule for those practitioners, as well as continuing education requirements, to account for the extension of the license renewal period.
- Eliminates the requirement that each physician assistant supervision agreement be submitted to, and reviewed by, the Medical Board.
- Increases to \$5,000 (from \$1,000) the amount of the civil penalty that the Medical Board may impose if it finds that a physician failed to comply with the law governing those supervision agreements.
- Makes changes to the law governing the State Medical Board's issuance or renewal of certain licenses, certificates, or permits, including physician training

- certificates, podiatrist licenses, and limited permits to practice respiratory care and to Medical Board investigatory procedures.
- Authorizes a board of county hospital trustees of a charter county hospital to purchase, acquire, lease, construct, own, operate, or manage hospital facilities in a county contiguous to a charter county.
 - Specifies that a community addiction services provider is ineligible for OTP licensure for three years after having had an adverse action taken against it.
 - Prohibits a proposed OTP from being located within 500 feet of a school, child day care center, or child-serving agency regulated by ODMHAS.
 - Specifies other requirements for the OTP license that are generally similar to existing requirements for licensure of methadone treatment programs.
 - Gives ODMHAS authority to conduct OTP inspections, enforcement actions, and other responsibilities similar to the existing authority it exercises in regulating methadone treatment programs.

Additional Information

- **Summary of Senate Changes**
 - Authorizes clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners to refer a patient to and consult with a physician or podiatrist who is not the nurse's collaborating practitioner.
 - Specifies that a certified nurse practitioner who is certified in psychiatric-mental health may enter into a standard care arrangement with a psychiatrist (as opposed to a "physician who practices in the same specialty"). Also permits the nurse to enter into a standard care arrangement with a pediatrician, primary care physician, or family practice physician.
 - Specifies other requirements for an OTP license that are generally similar to existing requirements for the license to maintain methadone treatment.
 - Re-enacts provisions, repealed in 2013, that grandfathered certain APRN license applicants from meeting educational and examination requirement generally required for licensure.
 - Provides that these provisions take immediate effect
 - Clarifies that certain out-of-state APRN licensure applicants, including those who worked as federal employees, are subject to different pharmacology documentation requirements than in-state applicants.
 - Authorizes the grandfathered applicants (described above) to submit alternative evidence of meeting existing pharmacology requirements
 - Provides that these provisions take immediate effect.
 - Requires, beginning 12 months after the bill's effective date, that all types of OTPs, rather than only methadone treatment programs, be licensed through the Ohio Department of Mental Health and Addiction Services (ODMHAS).
 - Specifies that a community addiction services provider is ineligible for OTP licensure for three years (instead of five years, as currently

applicable to methadone treatment programs) after having had an adverse action taken against it.

- Prohibits a proposed OTP from being located within 500 feet of property containing a school, child day-care center, or child-serving agency regulated by ODMHAS.
- Specifies other requirements for an OTP license that are generally similar to existing requirements for the license to maintain methadone treatment.
- Gives ODMHAS authority to conduct OTP inspections, enforcement actions, and other responsibilities similar to its existing authority for methadone treatment programs.
- Specifies that failure to obtain the license to operate an OTP when required to do so is a fifth-degree felony.
- Applies to methadone treatment programs, for the 12-month period that ODMHAS continues to issue licenses to maintain methadone treatment, the same
- program location requirements and adverse action look-back period that the bill applies to OTPs.
- Generally prohibits, beginning 15 months after the bill's effective date, a person or government entity from providing withdrawal management addiction services provided in settings other than acute care hospitals, addiction services provided in a residential treatment setting, and outpatient addiction services unless the services have been certified by the Director of Mental Health and Addiction Services.
- Specifies that violation of the prohibition is a fifth-degree felony.
- Reduces to six (from 12) the minimum number of months that an applicant for dialysis technician licensure must have performed dialysis care as a condition of attaining licensure.
- Extends to two years (from one) the license renewal period for orthotists, prosthetists, and pedorthists.
- Requires the Occupational, Physical Therapy, and Athletic Trainers Board to adopt rules to account for the extension of the license renewal period.
- Requires the Board to adopt rules for continuing education, in place of specific statutory requirements.
- Eliminates the existing requirement that each physician assistant supervision agreement be submitted to, and reviewed by, the Medical Board.
- Increases to \$5,000 (from \$1,000) the amount of the civil penalty that the Medical Board may impose if it finds that a physician failed to comply with the law governing those supervision agreements.
- Makes changes to law governing the Medical Board's issuance or renewal of certain licenses, certificates, or permits, including physician training certificates, podiatrist licenses, and limited permits to practice respiratory care and to Medical Board investigatory procedures.

- Authorizes a board of county hospital trustees of a charter county hospital to purchase, acquire, lease, construct, own, operate, or manage hospital facilities in a county contiguous to a charter county.
 - Modifies an allocation made to children's crisis care facilities in the main appropriations act for the 132nd General Assembly, Am. Sub. H.B. 49.
- **Policy Advisor:** Steven Alexander, 740-804-3213,
steven.alexander@ohiohouse.gov

H.B. 332 (ANTANI)
Regards anatomical gifts, transplants, and discrimination

House Co-Sponsors: Leland, West, Ingram, Kennedy-Kent, Keller, Lipps, Zeltwanger, Vitale, Romanchuk, Riedel, Becker, Huffman, LaTourette, Anielski, Antonio, Arndt, Ashford, Barnes, Boccieri, Boyd, Brenner, Brown, Butler, Carfagna, Celebrezze, Craig, Dean, Edwards, Galonski, Gavarone, Ginter, Greenspan, Hagan, Hambley, Henne, Hill, Holmes, Hoops, Householder, Hughes, Johnson, Kick, Koehler, Landis, Lanese, Lepore-Hagan, McClain, Miller, O'Brien, Patterson, Patton, Perales, Rezabek, Rogers, Ryan, Schaffer, Sheehy, Slaby, Smith, Sprague, Stein, Strahorn, Thompson, Wiggam, Young

Senate Co-Sponsors: Hackett, Balderson, Burke, Coely, Dolan, Eklund, Gardner, Hoaglan, Huffman, Kunze, LaRose, Lehner, Manning, Objof, O'Brien, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Uecker, Yuko

Bill History

- 11/29/2017 – House Health Committee (4 Hearings), (16-0)
- 1/24/2018 – House Floor Vote (*pending*)
- 5/22/2018 – Senate Health, Human Services, and Medicaid Committee (4 Hearings), (10-0)
- 5/23/2018 – Senate Floor Vote (32-0)
- House Concurrence Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> • Jen Alge (Autism Society) • Courtney Hansen (Miami Valley Down Syndrome Association) • Jackie Ward (Miami Valley Down Syndrome Association) • Kari Jones (Down Syndrome Association of Ohio) • Catherine Green • Jim Hudson (Down Syndrome Association of Greater Cincinnati) • Jennifer Franklin Kearns • Dr. Marc J. Tasse (The Ohio State University Nisonger Center) 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None

<ul style="list-style-type: none"> • Michael Wasmer (Autism Speaks) • Dr. Kara Ayers (University of Cincinnati Center for Excellence in Developmental Disabilities) • Rachel Rice (Cincinnati LEND) 		
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Key Provisions

- Prohibits certain entities, including hospitals, from discriminating against potential transplant recipients solely on the basis of disability.
- Generally requires each entity to make reasonable modifications to allow individuals with disabilities access to transplantation-related treatment and services.
- Authorizes an individual who has been adversely affected by a violation of the bill's provisions to seek an injunction to stop the violation, but prohibits a court from awarding compensatory or punitive damages.
- Prohibits a health plan issuer from denying coverage for anatomical gifts, transplantation, or related treatment and services solely on the basis of disability.
- Appropriates \$2.5 million in fiscal year 2019 for the Positive Education Program Connections.

Additional Information

- **Summary of Senate Changes**
 - Removes the House-passed provision generally requiring that a covered entity take necessary steps to ensure that individuals with disabilities are not denied organ transplantation services due to the absence of auxiliary aids and services.
 - Removes the House-passed provision authorizing an individual to seek an injunction or other equitable relief for a covered entity's anticipated, but not completed, violation of the bill's anti-discrimination prohibitions or organ transplantation access requirements.
 - Specifies that the House-passed provision permitting an individual to seek an injunction or other equitable relief against a covered entity that has violated or is violating one of the bill's anti-discrimination prohibitions does not create a right to compensatory or punitive damages against the covered entity.
 - Modifies the House-passed definition of "qualified recipient" to specify that it means a recipient who has a disability and meets the eligibility (rather than essential eligibility) requirements for the receipt of an anatomical gift with or without certain aides, services, or modifications.
 - Appropriates \$2.5 million in fiscal year 2019 for the Positive Education Program Connections.

Updated October 24, 2018

- **Policy Advisor:** Steven Alexander, 740-804-3213,
steven.alexander@ohiohouse.gov

H.B. 366 (GAVARONE)

Change laws governing child support

House Co-Sponsors: Seitz, Smith, Ginter, LaTourette, Becker, Brenner, Lang, Anielski, Antonio, Arndt, Blessing, Brown, Dean, Dever, Greenspan, Hambley, Hill, Hoops, Howse, Kick, Koehler, Manning, O'Brien, Patterson, Patton, Pelanda, Perales, Rezabek, Ryan, Schuring, Sheehy, Slaby, Smith, Stein, Sweeney, Wiggam, Young

Senate Co-Sponsors: Lehner, Beagle, Burke, Coley, Eklund, Gardner, Hackett, Huffman

Bill History

- 1/31/2018 – House Community and Family Advancement Committee (6 Hearings), (14-0)
- 3/7/2018 – House Floor Vote (96-0)
- 5/15/2018 – Senate Judiciary Committee (2 Hearings), (9-0)
- 5/16/2018 – Senate Floor Vote (30-2)
- 5/23/2018 – House Concurrence (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> • Glenn Harris (Ohio Practitioners' Network for Fathers and Families) • Joel Potts (Ohio JFS Directors' Association) • Dave Fleischman (Ohio Department of Jobs and Family Services) • Rodrick Hamilton (Warren County CSEA) • Sarah Felids (Montgomery County JFS) • Susan Brown (Franklin County CSEA) • William Peltes (Franklin County CSEA) • Amy Roehrenbeck (Ohio CSEA Directors' Association) 	<ul style="list-style-type: none"> • Graham Bowman (Ohio Poverty Law Center) • Natasha Plumly (Southeaster Ohio Legal Services) 	<ul style="list-style-type: none"> • Paul Pfeffer (Ohio Judicial Conference)

<ul style="list-style-type: none"> • Eli Williams (Urban Light Ministries and Fatherhood Ohio) • Rob Pierson (Stark County JFS) • Theresa Bechtel Ellison (Clermont County CSEA) • Joe Fantozzi (Summit County CSEA) • Marcie Cousino (Lucas County CSEA) • Cody Seiber • Rev. Dr. Brian Moore (Ohio Practitioners' Network for Fathers and Families) • Calvin Williams (Lucian Families Inc) • Nauka Gray (Butler County CSEA) • Michael Patton (Hamilton County JFS) • Beth Anne Schorr (Warren County CSEA) • Eric Johnson (Ohio State Bar Association) • Frank McLaughlin (Wood County CSEA) • Jeff Kramer (Father Factor) • Debra Kempers (Columbiana County JFS) 		
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Key Provisions

- Repeals the existing statutory basic child support schedule and requires the Ohio Department of Job and Family Services (ODJFS) to adopt rules to create the schedule.
- Requires the new schedule to incorporate a self-sufficiency reserve in order to create an adjusted schedule based on 116% of the federal poverty level for a single person.
- Requires ODJFS to update the basic child support schedule created in rules and the self-sufficiency reserve every four years to reflect changes in the Consumer Price Index for All Urban Consumers.

- Repeals the existing statutory worksheet forms used to calculate child support and requires ODJFS to adopt rules governing the creation of child support worksheet forms and a standard instruction manual to provide guidance and assistance for calculating child support.
- Allows ODJFS to revise the worksheet and manual as needed, but requires revisions to both at least once every five years.
- Makes changes to the law requiring ODJFS, with the assistance of a Child Support Guidelines Advisory Council, to conduct a review every four years to determine whether child support orders issued under the basic child support schedule and worksheets adequately provide for the needs of children subject to child support orders.
- Allows a court or child support enforcement agency (CSEA) to determine obligation amounts on a case-by-case basis when the combined annual income of both parents is greater than the maximum annual income established in the basic child support schedule adopted by ODJFS.
- Provides that if the combined annual income of both parents falls below the minimum annual income established in the basic child support schedule adopted by ODJFS, the court or CSEA must apply the minimum support amount.
- Makes the following changes regarding calculation of the amount of child support to be paid:
 - Permits deduction from a parent's annual income of the annual amount of any court-ordered spousal support that is actually paid, excluding any ordered payments on arrears.
 - Requires a court or CSEA to adjust the amount of child support to be paid by a parent who has children not subject to the order, instead of deducting from gross income amounts:
 - Paid for children under pre-existing support order; or
 - That equal the federal income tax exemption for children with another parent not involved in the child support proceedings.
 - Establishes additional factors that, if applicable, prevent a court or CSEA from determining a parent to be unemployed or underemployed, for purposes of imputing income.
 - Provides that if a parent has an annual income subject to the self-sufficiency reserve, the parent's support obligation cannot be more than the obligation that would have resulted from an unadjusted schedule.
 - Requires a deduction from the parent's annual child support obligations for any non-means tested benefits that a child subject to the order receives as a result of claims made by the parent.
 - Requires both parents to share child care costs, and specifies factors that a court or CSEA must consider in determining child care costs.

- Requires a court or CSEA to reduce an annual child support obligation by 10% when a court issues a parenting time order that equals or exceeds 90 overnights per year.
- Amends the existing deviation factors that the court may consider when determining whether to deviate from the amount of child support that would otherwise result from the use of the basic child support schedule and worksheet.
- Permits a court to consider the following new deviation factors when determining whether to grant a deviation:
 - The child support obligee's income, if the obligee's annual income is equal to or less than 100% of the federal poverty level.
 - Extraordinary work-related expenses incurred by either parent.
 - Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated.
 - Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases.
 - Extraordinary child care costs required for the child or children that exceed the maximum statewide average cost, including extraordinary costs associated with specialized physical, psychological, or education conditions.
- Specifies that, in determining whether to grant a deviation based on extended parenting time or extraordinary costs associated with parenting time, the court must consider a deviation in addition to the standard 10% if parenting time equals or exceeds 90 overnights per year.
- If the non-custodial parent's parenting time equals or exceeds 147 nights per year and the deviation described in the above dot point is not granted by the court, the court shall specify the facts that are the basis of the court's decision
- Repeals "the amount of time the children spend with each parent" considered to be an extraordinary circumstance permitting deviation from the amount of child support calculated pursuant to a shared parenting order.
- Permits a court to issue separate orders for education expenses and for appropriate expenses and allows the court to consider the expenses in adjusting a child support order.
- Increases the minimum support obligation from \$50 to \$80 and permits CSEAs to impose minimum support obligations.
- Requires each child support order to specify that both the child support obligor and obligee are liable for the health care expenses of any children not covered by health insurance as those expenses are calculated using a formula established by each court or CSEA.

- Makes changes regarding the determination of responsibility for obtaining health insurance coverage including establishing a rebuttable presumption that the child support obligee is the appropriate parent to provide health insurance coverage.
- Specifies circumstances that a court or CSEA may use to rebut the presumption, such as when a child support obligor wishes to be named the health insurance obligor, when the child support obligor can obtain reasonably priced coverage for the child through an employer or other source, or when the obligee is a nonparent individual or agency that has no duty to provide medical support.
- Establishes a credit for the cost of providing health insurance coverage against a parent's annual income when calculating child support.
- Makes changes to the requirement for cash medical support in child support orders, including a requirement that cash medical support orders be administered, revised, modified, and enforced in the same manner as the underlying child support order.
- Makes changes regarding the payment of extraordinary medical expenses.
- Requires that each order contain a statement setting forth the name and address of the individual to be reimbursed for medical expenses.
- Clarifies the law governing accessibility determinations made by a court or CSEA regarding primary care services under private health insurance coverage.
- Provides for modification of a child support order if a court determines that insurance coverage under the order is inadequate to meet the medical needs of the child.
- Requires a CSEA reviewing a court child support order to apply deviations from the existing order to the revised amount of child support if the monetary or percentage value can be determined by the CSEA.
- Establishes a rebuttable presumption that the amounts withheld or deducted to recover the overdue and unpaid support or arrearage under a terminated child support order are at least equal to the amount that was withheld or deducted under the terminated order.
- Permits a court or CSEA to consider evidence of household expenditures, income variables, extraordinary health care issues, and other reasons for deviation from the presumed amount.

Additional Information

- **Synopsis of Senate Amendments**
 - Requires the court to consider whether to grant a child support deviation for extended parenting time or extraordinary costs associated with parenting time, when the court-ordered parenting time exceeds 90 overnights per year

- Adds that the deviation is in addition to any other adjustments provided if court-ordered parenting time equals or exceeds 90 overnights per year
- Removes the requirement that the court recognize that expenses for the children are incurred in both households when determining whether to grant the deviation for extended parenting time or extraordinary costs associated with parenting time
- Removes the requirement that the court consider a substantial deviation if court-ordered parenting time equals or exceeds 147 overnights per year
- Requires the court to provide supporting facts regarding the denial regarding the denial of all child support deviations, not just substantial deviations, regarding court-ordered parenting time that equals or exceeds 147 overnights per year
- Makes a number of LSC-identified, technical changes
- **Companion Bill:** SB 125 (Beagle)
- **Advisor:** Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

H.B. 292 (SCHERER)

Modify residence test for income tax purposes

House Co-Sponsors: Scherer, Hambley, Retherford, Anielski, Antani, Brown, Faber, Galonski, Ginter, Goodman, Greenspan, Henne, Householder, Hughes, Lang, Patton, Reineke, Riedel, Roegner, Rogers, Ryan, Schaffer, Seitz, R. Smith, Sprague, Sweeney, Thompson

Senate Co-Sponsors: Eklund, Beagle, Peterson, O'Brien, Burke, Gardner, Hackett, Hoagland, Hottinger, Huffman, Oelslager, Tavares, Terhar, Thomas

Bill History

- 6/27/2017 – Introduced
- 10/26/2017 – Reported (17-1, Cera) by House Ways & Means Committee (3 hearings)
- 11/1/2017 – Passed House 91-1 (Cera)
- 5/23/2018 – Reported (9-0) by Senate Ways & Means Committee (6 hearings)
- 5/23/2018 – Passed Senate 32-0
- House Concurrence Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> • Howie Biegelman, Ohio Jewish Communities (House and Senate testimony) • Greg Saul, Ohio Society of CPAs (House and Senate testimony) • Kelvin Lawrence, Ohio State Bar Association • Richard B. Fry III, Chair – Ohio State Bar Association Taxation Law Committee (Senate testimony) 	<ul style="list-style-type: none"> • <i>No witnesses have testified</i> 	<ul style="list-style-type: none"> • <i>Zach Schiller, Policy Matters Ohio (Senate testimony)</i>

Key Provisions (From LSC Bill Analysis As Passed By The House)

- Specifies that an individual cannot be presumed to be an Ohio resident for income tax purposes unless the individual has an Ohio abode for at least a portion of the taxable year.
- Extends the deadline for filing a statement affirming out-of-state residency to the 15th day of the tenth month following the end of the taxable year.

- Adds several objective criteria for establishing the presumption that an individual is not an Ohio resident for income tax purposes.
- Limits the factors that may be used by the Tax Commissioner to rebut the presumption that a taxpayer is not an Ohio resident.
- Specifies that the changes apply to taxable years beginning in 2018 or thereafter.

Additional Information

- **Synopsis of Senate Amendments:**

Taxation

- Authorizes the appeal of a decision of the Board of Tax Appeals (BTA) directly to the Supreme Court if the decision involves a final determination of the Tax Commissioner or a municipal income tax review board.
- Modifies the deadline by which manufactured and mobile homeowners may apply for the homestead exemption, from December 31 of the year for which the exemption is sought, to December 31 of the year before the year for which the exemption is sought.
- Requires a county in which current or certain former Olympic training facilities are located to enter into an agreement to provide a property tax exemption for those facilities in exchange for service payments.
- Increases the maximum term of a delinquent tax contract for such a facility.

State employee compensation

- Increases pay for exempt state employees paid in accordance with salary schedules E-1 and E-2.
- Authorizes each state appointing authority to make expenditures from current state operating appropriations to provide for compensation increases.
- Authorizes the Director of Budget and Management to increase expenditures from the General Revenue Fund and non-General Revenue Fund appropriation items to the extent the Director determines necessary to effectuate changes to compensation, and makes an appropriation. Allows certain state employees who work 30 or more hours per week to take up to six continuous weeks of paid parental leave at the birth of a child if the employee is listed as a parent on the child's birth certificate instead of if the employee is the biological parent of the child, as under current law.
- Allows certain state employees who work 30 or more hours per week to take up to six continuous weeks of paid parental leave at the birth of a child if the employee is listed as a parent on the child's birth

certificate instead of if the employee is the biological parent of the child, as under current law.

- Permits certain state employees to begin using vacation leave when the leave appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.
- Prohibits certain state employees who separate from state employment with less than 12 months of total state service from being compensated for unused accrued vacation leave.
- Requires, beginning in December 2019, the Director of Administrative Services to allow certain full-time or part-time state employees who are credited with unused accrued vacation leave under continuing law to convert up to 40 hours of that leave to cash.
- Permits the Department of Administrative Services (DAS) to use the State Employee Health Benefit Fund to pay the cost or premiums of a contract with a health insuring corporation to provide an exempt employee with coverage for the employee's health care services.
- Eliminates a prohibition against DAS contracting with a health insuring corporation when the state's cost to cover an employee would be greater than the cost under a contract that was selected in consultation with the Superintendent of Insurance and in accordance with competitive bidding requirements.
- Allows, during fiscal year 2019, the DAS Director to request a transfer of cash from the Accrued Leave Liability Fund to the State Employee Health Benefit Fund to pay for voluntary health plans offered by the DAS Director to state employees who elect to enroll in a qualifying high deductible plan.

Other state and local government provisions

- Expands the circumstances in which a workers' compensation claim based on a motor vehicle accident involving a third party may be charged to the Surplus Fund Account in lieu of to an employer's experience.
- Changes the funding source of the Brownfields Revolving Loan Fund so that it consists of repayments of loans made for brownfield revitalization purposes, any other money transferred to it, and investment earnings, rather than consisting of transfers to the Fund made by the U.S. EPA under federal law.
- Authorizes, rather than requires as in current law, the Director of Development Services to do both of the following:
 - -Make grants and loans from the Brownfields Revolving Loan Fund; and

- Establish a schedule of fees and charges payable by loan recipients.
 - Modifies the content requirements of the semiannual fund reports the Director of Budget and Management must furnish to the General Assembly beginning on October 1, 2018.
 - Increases the public library facility borrowing limit as a percentage of Public Library Fund receipts from 30% to 40%, and lengthens the maximum repayment period from 25 to 40 years.
 - Provides a special procedure for passage of a certain village's ordinance that accommodates a new use of real property in the village, specifies an accelerated process for holding a referendum vote on the ordinance, and declares such provisions to be an emergency measure.
 - Adjusts capital appropriations and re-appropriations for the biennium ending June 30, 2020, clarifies the authorized use of certain capital earmarks, and makes other appropriations.
- **Contact:** Heather Blessing; Heather.Blessing@ohiohouse.gov; Office (614) 466-9194; Cell: (614) 352-5819.

H.B. 366 (GAVARONE)

Change laws governing child support

House Co-Sponsors: Seitz, Smith, Ginter, LaTourette, Becker, Brenner, Lang, Anielski, Antonio, Arndt, Blessing, Brown, Dean, Dever, Greenspan, Hambley, Hill, Hoops, Howse, Kick, Koehler, Manning, O'Brien, Patterson, Patton, Pelanda, Perales, Rezabek, Ryan, Schuring, Sheehy, Slaby, Smith, Stein, Sweeney, Wiggam, Young
Senate Co-Sponsors: Lehner, Beagle, Burke, Coley, Eklund, Gardner, Hackett, Huffman

Bill History

- 1/31/2018 – House Community and Family Advancement Committee (6 Hearings), (14-0)
- 3/7/2018 – House Floor Vote (96-0)
- 5/15/2018 – Senate Judiciary Committee (2 Hearings), (9-0)
- 5/16/2018 – Senate Floor Vote (30-2)
- 5/23/2018 – House Concurrence (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> • Glenn Harris (Ohio Practitioners' Network for Fathers and Families) • Joel Potts (Ohio JFS Directors' Association) • Dave Fleischman (Ohio Department of Jobs and Family Services) • Rodrick Hamilton (Warren County CSEA) • Sarah Felids (Montgomery County JFS) • Susan Brown (Franklin County CSEA) • William Peltcs (Franklin County CSEA) • Amy Roehrenbeck (Ohio CSEA Directors' Association) 	<ul style="list-style-type: none"> • Graham Bowman (Ohio Poverty Law Center) • Natasha Plumly (Southeaster Ohio Legal Services) 	<ul style="list-style-type: none"> • Paul Pfeffer (Ohio Judicial Conference)

<ul style="list-style-type: none"> • Eli Williams (Urban Light Ministries and Fatherhood Ohio) • Rob Pierson (Stark County JFS) • Theresa Bechtel Ellison (Clermont County CSEA) • Joe Fantozzi (Summit County CSEA) • Marcie Cousino (Lucas County CSEA) • Cody Seiber • Rev. Dr. Brian Moore (Ohio Practitioners' Network for Fathers and Families) • Calvin Williams (Lucian Families Inc) • Nauka Gray (Butler County CSEA) • Michael Patton (Hamilton County JFS) • Beth Anne Schorr (Warren County CSEA) • Eric Johnson (Ohio State Bar Association) • Frank McLaughlin (Wood County CSEA) • Jeff Kramer (Father Factor) • Debra Kempers (Columbiana County JFS) 		
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Key Provisions

- Repeals the existing statutory basic child support schedule and requires the Ohio Department of Job and Family Services (ODJFS) to adopt rules to create the schedule.
- Requires the new schedule to incorporate a self-sufficiency reserve in order to create an adjusted schedule based on 116% of the federal poverty level for a single person.
- Requires ODJFS to update the basic child support schedule created in rules and the self-sufficiency reserve every four years to reflect changes in the Consumer Price Index for All Urban Consumers.

- Repeals the existing statutory worksheet forms used to calculate child support and requires ODJFS to adopt rules governing the creation of child support worksheet forms and a standard instruction manual to provide guidance and assistance for calculating child support.
- Allows ODJFS to revise the worksheet and manual as needed, but requires revisions to both at least once every five years.
- Makes changes to the law requiring ODJFS, with the assistance of a Child Support Guidelines Advisory Council, to conduct a review every four years to determine whether child support orders issued under the basic child support schedule and worksheets adequately provide for the needs of children subject to child support orders.
- Allows a court or child support enforcement agency (CSEA) to determine obligation amounts on a case-by-case basis when the combined annual income of both parents is greater than the maximum annual income established in the basic child support schedule adopted by ODJFS.
- Provides that if the combined annual income of both parents falls below the minimum annual income established in the basic child support schedule adopted by ODJFS, the court or CSEA must apply the minimum support amount.
- Makes the following changes regarding calculation of the amount of child support to be paid:
 - Permits deduction from a parent's annual income of the annual amount of any court-ordered spousal support that is actually paid, excluding any ordered payments on arrears.
 - Requires a court or CSEA to adjust the amount of child support to be paid by a parent who has children not subject to the order, instead of deducting from gross income amounts:
 - Paid for children under pre-existing support order; or
 - That equal the federal income tax exemption for children with another parent not involved in the child support proceedings.
 - Establishes additional factors that, if applicable, prevent a court or CSEA from determining a parent to be unemployed or underemployed, for purposes of imputing income.
 - Provides that if a parent has an annual income subject to the self-sufficiency reserve, the parent's support obligation cannot be more than the obligation that would have resulted from an unadjusted schedule.
 - Requires a deduction from the parent's annual child support obligations for any non-means tested benefits that a child subject to the order receives as a result of claims made by the parent.
 - Requires both parents to share child care costs, and specifies factors that a court or CSEA must consider in determining child care costs.

- Requires a court or CSEA to reduce an annual child support obligation by 10% when a court issues a parenting time order that equals or exceeds 90 overnights per year.
- Amends the existing deviation factors that the court may consider when determining whether to deviate from the amount of child support that would otherwise result from the use of the basic child support schedule and worksheet.
- Permits a court to consider the following new deviation factors when determining whether to grant a deviation:
 - The child support obligee's income, if the obligee's annual income is equal to or less than 100% of the federal poverty level.
 - Extraordinary work-related expenses incurred by either parent.
 - Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated.
 - Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases.
 - Extraordinary child care costs required for the child or children that exceed the maximum statewide average cost, including extraordinary costs associated with specialized physical, psychological, or education conditions.
- Specifies that, in determining whether to grant a deviation based on extended parenting time or extraordinary costs associated with parenting time, the court must consider a deviation in addition to the standard 10% if parenting time equals or exceeds 90 overnights per year.
- If the non-custodial parent's parenting time equals or exceeds 147 nights per year and the deviation described in the above dot point is not granted by the court, the court shall specify the facts that are the basis of the court's decision
- Repeals "the amount of time the children spend with each parent" considered to be an extraordinary circumstance permitting deviation from the amount of child support calculated pursuant to a shared parenting order.
- Permits a court to issue separate orders for education expenses and for appropriate expenses and allows the court to consider the expenses in adjusting a child support order.
- Increases the minimum support obligation from \$50 to \$80 and permits CSEAs to impose minimum support obligations.
- Requires each child support order to specify that both the child support obligor and obligee are liable for the health care expenses of any children not covered by health insurance as those expenses are calculated using a formula established by each court or CSEA.

- Makes changes regarding the determination of responsibility for obtaining health insurance coverage including establishing a rebuttable presumption that the child support obligee is the appropriate parent to provide health insurance coverage.
- Specifies circumstances that a court or CSEA may use to rebut the presumption, such as when a child support obligor wishes to be named the health insurance obligor, when the child support obligor can obtain reasonably priced coverage for the child through an employer or other source, or when the obligee is a nonparent individual or agency that has no duty to provide medical support.
- Establishes a credit for the cost of providing health insurance coverage against a parent's annual income when calculating child support.
- Makes changes to the requirement for cash medical support in child support orders, including a requirement that cash medical support orders be administered, revised, modified, and enforced in the same manner as the underlying child support order.
- Makes changes regarding the payment of extraordinary medical expenses.
- Requires that each order contain a statement setting forth the name and address of the individual to be reimbursed for medical expenses.
- Clarifies the law governing accessibility determinations made by a court or CSEA regarding primary care services under private health insurance coverage.
- Provides for modification of a child support order if a court determines that insurance coverage under the order is inadequate to meet the medical needs of the child.
- Requires a CSEA reviewing a court child support order to apply deviations from the existing order to the revised amount of child support if the monetary or percentage value can be determined by the CSEA.
- Establishes a rebuttable presumption that the amounts withheld or deducted to recover the overdue and unpaid support or arrearage under a terminated child support order are at least equal to the amount that was withheld or deducted under the terminated order.
- Permits a court or CSEA to consider evidence of household expenditures, income variables, extraordinary health care issues, and other reasons for deviation from the presumed amount.

Additional Information

- **Synopsis of Senate Amendments**
 - Requires the court to consider whether to grant a child support deviation for extended parenting time or extraordinary costs associated with parenting time, when the court-ordered parenting time exceeds 90 overnights per year

- Adds that the deviation is in addition to any other adjustments provided if court-ordered parenting time equals or exceeds 90 overnights per year
- Removes the requirement that the court recognize that expenses for the children are incurred in both households when determining whether to grant the deviation for extended parenting time or extraordinary costs associated with parenting time
- Removes the requirement that the court consider a substantial deviation if court-ordered parenting time equals or exceeds 147 overnights per year
- Requires the court to provide supporting facts regarding the denial regarding the denial of all child support deviations, not just substantial deviations, regarding court-ordered parenting time that equals or exceeds 147 overnights per year
- Makes a number of LSC-identified, technical changes
- **Companion Bill:** SB 125 (Beagle)
- **Advisor:** Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

Updated June 6, 2018

AM. H.B. 229 (ROMANCHUK/WIGGAM)
Designate Charles Follis Day

House Co-Sponsors: DeVitis, Thompson, Sprague, Patton, Reece, Kent, Smith, K., Brenner, Sweeney, Hambley, Anielski, Antonio, Arndt, Ashford, Blessing, Boccieri, Boyd, Brown, Butler, Celebrezze, Craig, Dever, Edwards, Fedor, Galonski, Ginter, Green, Greenspan, Hagan, Holmes, Householder, Hughes, Ingram, Johnson, Kick, Landis, Lang, Leland, Lepore-Hagan, O'Brien, Patterson, Perales, Ramos, Riedel, Roegner, Rogers, Schaffier, Schuring, Sheehy, Stein, West, Young

Senate Co-Sponsors: Sykes, Hackett, O'Brien, Balderson, Beagle, Brown, Burke, Coley, Dolan, Eklund, Gardner, Hoagland, Huffman, Kunze, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Schiavoni, Terhar, Thomas, Williams, Wilson

Bill History

- 5/23/17 – House State & Local Government Committee (3 Hearings), (11-0)
- 12/5/17 – House Floor Vote (95-0)
- 4/17/18 – Senate Local Govt, Public Safety, & Veterans Affairs Committee (3 Hearings), (10-0)
- 5/16/18 – Senate Floor Vote (32-0)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Jim Stoner• William Bridges (Senate)• Anessa McGregor (Senate)• Steve Jefferson (Senate)		

Key Provisions

- Designates February 3 as "Charles Follis Day" in honor of the first African American professional football player.

Additional Information

- **Amendment accepted on Senate Floor:** capitalizing "Blues." Charles Follis played football for the Shelby Blues.
- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

Updated June 6, 2018

AM. SUB. H.B. 8 (HAMBLEY/REZABEK)
Prohibit disclosing injuries to minors in school vehicles

House Co-Sponsors: Brenner, Thompson, Koehler, Riedel, Dean, Blessing, Goodman, Anielski, Antonio, Arndt, Barnes, Boccieri, Boyd, Conditt, Dever, Edwards, Faber, Fedor, Galonski, Gavarone, Green, Greenspan, Holmes, Householder, Ingram, Kick, Landis, Leland, Manning, O'Brien, Patmon, Patterson, Patton, Pelanda, Perales, Ramos, Reineke, Rogers, Ryan, Schaffer, Slaby, Smith, K., Stein, Sweeney, West, Young

Senate Co-Sponsors: Uecker, Hackett, Balderson, Brown, Burke, Huffinan, Kunze, Lehner, Manning, Oelslager, Schiavoni, Tavares, Thomas, Yuko

Bill History

- 5/1/17 – Government Accountability & Oversight Committee (4 Hearings), (11-0)
- 5/24/17- House Floor Vote (95-2, Ashford & Antani)
- 10/24/17 – Senate Local Government, Public Safety, and Veterans Affairs (5 Hearings)(9-1)
- 5/23/18 – Senate Re-referral to Local Government, Public Safety, and Veterans Affairs (1 Hearing)(8-1)
- 5/23/18 – Senate Floor Vote (29-0)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Thomas Ash- Buckeye Association of School Administrators (BASA)• Barbara Shaner – Ohio Assoc. of School Business Officials (OASBO)• Damon Asbury – Ohio School Boards Association (OSBA)• William J. Horton• James D. Horton• Highland Local School District Board of Education (by Resolution)	<ul style="list-style-type: none">• Dennis Hetzel – Ohio News Media Association• John C. Greiner	

Key Provisions

- Exempts from the Public Records Law certain personal information concerning a minor in a record related to a school vehicle traffic accident.
- Provides for a journalist exemption to allow access to certain personal information concerning such a minor.
- Establishes a process under which the parent or guardian of a minor whose personal information is included in a record related to a school vehicle traffic accident may request a copy of the record.
- Exempts from the Public Records Law "protected health information," as defined in the federal Health Insurance Portability and Accountability Act (HIPPA), when included in a health claim for payment or another document revealing the identity of an individual.

Updated June 6, 2018

Additional Information

- Senate Committee Amendments:
 - Creates an exemption from the Public Records Law for "protected health information," as defined in the federal Health Insurance Portability and Accountability Act (HIPPA), when included in a health claim for payment or another document revealing the identity of an individual.
 - Updates R.C. 149.43; technical correction.
 - Provides for a journalist exemption to allow access to certain personal information concerning a minor in a record related to a school vehicle traffic accident.
- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

H.B. 430 (SCHAFER)

Expand sales tax exemption for oil and gas production property

House Co-Sponsors: Faber, Rep. Antani, Rep. Brenner, Rep. Ginter, Rep. Green, Rep. Greenspan, Rep. Hagan, Rep. Hambley, Rep. Hill, Rep. Johnson, Rep. Landis, Rep. Lang, Rep. Merrin, Rep. Pelanda, Rep. Perales, Rep. Reineke, Rep. Roegner, Rep. Rogers, Rep. Romanchuk, Rep. Ryan, Rep. Schuring, Rep. Slaby, Rep. Smith, Rep. Sprague, Rep. Thompson, Rep. Wiggam, Rep. Young
Senate Co-Sponsors: Sen. Hackett, Sen. Beagle, Sen. Eklund

Bill History

- 11/29/17 – Introduced
- 1/25/18 – Reported by House Government Accountability and Oversight Committee (4 Hearings), (9-2)
- 1/31/18—Passed House 85-12
- 5/23/18—Reported substitute by Senate Ways and Means Committee (9-0)
- 6/6/18—Passed Senate

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Jeff McClain (Ohio Chamber of Commerce)• Tom Stewart (Ohio Oil & Gas Association)• David Hill (private citizen)	<ul style="list-style-type: none">• Wendy Patton (Policy Matters Ohio)• Ted Bernert (Stingray Pressure Pumping)	<ul style="list-style-type: none">• Jon Honeck (County Commissioners Association of Ohio)• Michael Wise (Gulfport Energy)• Matthew Chafin (Department of Taxation)

Key Provisions

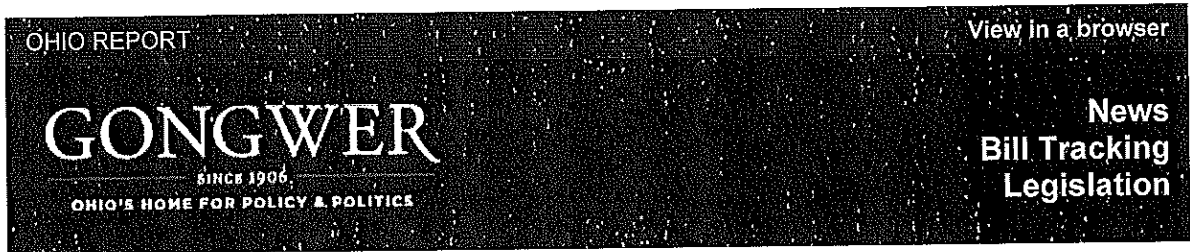
- Modifies the sales and use tax exemption for property used in producing oil and natural gas.
- Specifies that property that is approved by the Department of Natural Resources as part of a water pollution control facility qualifies for existing property and sales and use tax exemptions.

Additional Information

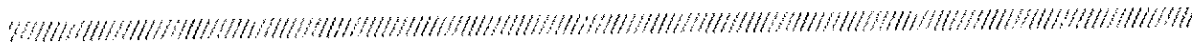
- **Senate Amendments**
 - Retains the current law requirement that goods and services be used "directly" in the production of crude oil or natural gas in order for their purchase to be exempt from sales and use taxation.

- Defines the term "production" – rather than referring to an existing definition of "production operations" in the Oil and Gas Regulation Law – to include operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain oil or gas, to prepare the wellbore for production, and to lift and control all substances yielded by the reservoir to the surface of the earth.
 - Lists several examples of goods and services used in the production of oil or gas that are specifically exempt from sales tax.
 - Lists several examples of goods and services that are not exempt under the directly-used-in-production exemption. (The House-passed bill, alternatively, lists activities that do not qualify as a "production operation." Under that bill, goods and services not used in a "production operation" are taxable.)
 - Clarifies a provision of the House-passed bill that specifies that property approved by the Department of Natural Resources as part of a water pollution control facility qualifies for existing property and sales and use tax exemptions.
 - With regard to the retrospective application of the bill, removes a statement that the bill applies retrospectively to 2010, and instead states that it applies only to cases and audits pending as of May 18, 2018.
 - Extends the moratorium on issuing a fireworks manufacturer or wholesaler license and approving the geographic transfer of those licenses to December 31, 2019.
- **Policy Advisor:** Jimmy Wolf, 6146-466-6505, jimmy.wolf@ohiohouse.gov

From: Gongwer News Service
Sent: Wednesday, June 6, 2018 7:13 PM
To: Sarko, Alyssa
Subject: Ohio Report, Wednesday, June 6, 2018
Attachments: Jun6House.htm; 180606dayplan.htm; Jun6.htm; Jun6Senate.htm



OHIO REPORT WEDNESDAY, JUNE 6



Smith Elected Speaker After 11 Votes; House Returns To Work Thursday

Lake Erie Funding Bill Among Eight Measures To Clear Senate

**State Auditor Would Have More Say Over JobsOhio Performance Audits
Under Senate Change; Fireworks Moratorium Extended**

Foes See Effort To Shed Excess Regulations As Overly Broad

Lawmakers Renew Push For Health Care Price Transparency

Republican Senators Question Universal Background Checks Bill

School Officials Decry Local Money Lost To ECOT

**Proponents Tout Impact Of Bill To End Lawsuits Seeking To Quell
Speech**

Agency Briefs: State Revenue Intake Up Again As End Of Fiscal Year Looms; ODVS Names New Veteran Home Superintendent; Ohio Officials Weigh In On E15 Rules

Attorney General's Opinion

Governor's Appointments

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Ways & Means

Energy & Natural Resources

Transportation, Commerce & Workforce

Government Oversight & Reform

Education

House Committee Hearings

Transportation & Public Safety

Health

Aging & Long Term Care

Community & Family Advancement

Civil Justice

ACTIVITY REPORTS

House

Senate

CALENDARS

Day Planner

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House Activity for Wednesday, June 6, 2018

CALENDAR FOR COMING SESSION

- SB 135** ■ **VOTING EQUIPMENT** (LaRose, F.) To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program.
Gongwer Coverage
-
- SB 139** ■ **LEGAL MATERIALS** (Skindell, M., Eklund, J.) To adopt the Uniform Electronic Legal Material Act.
-
- SB 163** ■ **COUNTY INVESTMENTS** (Wilson, S.) To modify the qualifications regarding notes eligible for investment of county inactive moneys.
-
- HB 123** ■ **LENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers.
Gongwer Coverage
-
- HB 297** ■ **VEHICLE TITLES** (Hagan, C.) To allow owners of a motor vehicle, watercraft, or outboard motor who have joint ownership with right of survivorship to transfer title through a transfer-on-death designation.
-
- HB 315** ■ **DAY DESIGNATION** (Arndt, S.) To designate October 6 as "S.M.A.R.T. Parent Day."
-
- HB 391** ■ **ECONOMIC LOSSES** (Merrin, D.) To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted.
-
- HB 407** ■ **ESTATE LAW** (Dever, J., Seitz, B.) To abolish the estate by dower.

HB 411 ■ **WRONGFUL IMPRISONMENT** (Seitz, B., Sykes, E.) To modify the state's wrongful imprisonment law.

HB 414 ■ **DAY DESIGNATION** (Schaffer, T.) To designate July 16 as "National Atomic Veterans Day" in Ohio.

HB 433 ■ **VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services.

HB 456 ■ **NURSING OVERTIME** (Sprague, R.) To prohibit a hospital from requiring a registered nurse or licensed practical nurse to work overtime as a condition of continued employment.

HB 464 ■ **STROKE PATIENTS** (Lipps, S., Antonio, N.) To provide for recognition of stroke centers and establishment of protocols for assessment, treatment, and transport to hospitals of stroke patients.

HB 491 ■ **EDUCATION LICENSE** (Edwards, J.) To require the State Board of Education to issue a substitute license to specified pupil services personnel.

HB 535 ■ **DRUG OVERDOSES** (Gavarone, T.) To require certain reports regarding overdoses and naloxone, to include naltrexone within the Ohio Automated Rx Reporting System, and to name this act the "Opioid Data and Communication Expansion Act."

HR 298 ■ **ALFALFA PRODUCTS** (Sprague, R., Hill, B.) To recognize the existence of two alfalfa products in light of the recent action of the Ingredient Definition Committee of the Association of American Feed Control Officials.

SCR 15 ■ **YEAR DESIGNATION** (O'Brien, S., Wilson, S.) To designate 2018 as 'Ohio's Year of the Trails.'

HOUSE ELECTS LEADERS

Speaker: Rep. Ryan Smith (R-Bidwell); Final Vote: Smith 44, Strahorn 27, Thompson 13, Hughes 7

COMMITTEE HEARINGS

Transportation & Public Safety

HB 570 **LICENSE PLATE** (**Brown, R., Lipps, S.**) To create the "Zero" license plate to benefit the nonprofit Zero, the End of Prostate Cancer. (**SCHEDULED BUT NOT HEARD**; 1st Hearing-All testimony-Possible vote)

HB 577 **ROAD NAMING** (**Landis, A.**) To designate a portion of State Route 93 in Tuscarawas County as the "PFC Oscar F. Nicewander Memorial Highway" and a portion of State Route 520 in Holmes County as the "Cpl. Jerry Robert Spitler Memorial Highway." (**REPORTED**; 1st Hearing-All testimony-Possible vote)

Rep. Al Landis (R-Dover) said the bill would honor the sacrifices of the two men who were killed in 1967 during their service in Vietnam.

He said Jerry Robert Spitler was the lone Holmes County resident to die in Vietnam, and Oscar Nicewander, the lawmaker's cousin, died just days after his 21st birthday. Mr. Landis recounted the details of his relative's funeral that occurred 51 years ago.

HB 623 **ROAD NAMING** (**Gonzales, A., Carfagna, R.**) To designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway." (**REPORTED**; 1st Hearing-All testimony-Possible vote)

Rep. Anne Gonzales (R-Westerville) and **Rep. Rick Carfagna** (R-Westerville) won support for a measure that names a portion of Interstate 270 in Franklin County after the two Westerville Police officers who were killed in the line of duty in February.

She said the designation will honor the service of Anthony Morelli and Eric Joering, both of whom died while responding to a hung up 911 call. She said the officers were two of the department's best officers, and said the community, and their families, are still trying to heal from their deaths. The designation, she said, would ensure that the officers are remembered as heroes.

Rep. Carfagna said it takes a special type of person to serve in law enforcement, and added that the signage would bring awareness to the officers' sacrifice. Mr. Carfagna said the central Ohio community and state lent a significant amount of support to Westerville after the deaths, noting that more than 2,000 police vehicles were involved in services and tributes. Dave Collinworth, Westerville city manager, and Anthony Wilson, the city's assistant police chief, both also supported the bill. The witnesses both said it is appropriate to name the section of 270 after the officers. Mr. Wilson said the road naming would allow Ohioans to forever honor and memorialize their work.

Brian Steel of the Fraternal Order of Police also lent support for the bill.

HB 632 **AUTO SERVICE CONTRACTS** (Lang, G., Holmes, G.) Regarding motor vehicle ancillary product protection contracts and motor vehicle service contracts. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Glenn Holmes (D-McDonald) said the bill modernizes motor vehicle service contracts by allowing dealers to also include technological devices such as electronic key fobs in service contracts. Further, he said the bill clarifies Ohio law regarding the contracts and specifies that the contracts are not the same as insurance.

Rep. George Lang (R-West Chester Twp.) said the measure would help consumers protect themselves against the high replacement cost of key fobs while maintaining disclosure requirements in current law. He also indicated that the bill clarifies that contracts and warranties are not insurance unless they are expressly made so.

Mr. Lang told members that the free market would determine how and if dealers would add other services to their service contracts. He said some contracts are sold at the time of a vehicle purchase, while others are sold on an after-market basis.

HB 640 **ROAD NAMING** (Sheehy, M.) To designate a portion of Interstate Route 475 in Lucas County as the "Sgt. Alex Drabik Memorial Highway." (**REPORTED**; 1st Hearing-All testimony-Possible vote)

Rep. Michael Sheehy (D-Oregon) said the measure honors the service of the military leader who played a key role in securing a strategic bridge during the Battle of the Bulge. The lawmaker said Sgt. Alex Drabik, from Holland, Ohio, was the first American soldier into Germany in the battle. After the war, Dwight Eisenhower indicated that the taking of the bridge saved 50,000 lives and helped end the war six months early.

Naming the road in his honor, Mr. Sheehy said, shows that Ohio is a state that honors the service of its heroes.

Health

HB 248 **DRUG COVERAGE** (Antonio, N., Lepore-Hagan, M.) Regarding coverage for prescription contraceptive drugs and devices, the provision of certain hospital and pregnancy prevention services for victims of sexual assault, the dispensing of hormonal contraceptives to adults without a prescription, and comprehensive sexual health and sexually transmitted infection education in schools. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsors **Rep. Nickie Antonio** (D-Lakewood) and **Rep. Michele Lepore-Hagan** (D-Youngstown) said the proposal would include comprehensive sexual health and sexually transmitted infection education in schools, provide certain hospital and pregnancy prevention services for victims of sexual assault, and coverage for prescription contraceptive drugs and devices.

Rep. Lepore-Hagan said the state's 28th highest teen pregnancy rate indicates Ohio's abstinence-focused method of sexual health education is not the only effective method of reducing unwanted teen pregnancy.

The proposal would create a teen pregnancy prevention task force, and the Department of Health would be required to post medically accurate information on emergency contraception

and other information on its website, Rep. Antonio said. It also requires hospitals to have policies ensuring sexual assault victims receive a basic standard of care.

"Basic standard of care policies include providing victims with information on emergency contraception and emergency contraception upon request," she said. "The bill does not require an individual doctor to provide emergency conception if doing so would violate their personal religious beliefs; hospitals would adjust their policies if this scenario occurs" Pharmacies would be required to have policies in place so that in-stock prescription and over-the-counter birth control are dispensed without judgment or delay, she said. They would need policies that maintain patients' right to access to birth control without forcing a pharmacist to violate their personal beliefs.

"In short, the goal of this legislation is to provide comprehensive education to the public on the best methods to reduce sexually transmitted infections and unintended pregnancies in Ohio," Rep. Antonio said. "Thorough education on how to prevent unintended pregnancy and better access to birth control we will help reduce the consequences of unintended pregnancies and make our state a healthier place for women, children and families."

Rep. Mike Duffey (R-Worthington) asked the sponsors if they've had specific conversations with any particular groups who voiced opposition.

Rep. Antonio said there have been some anecdotal conversations but nothing in-depth with opponents regarding past versions of the proposal. She said she's be willing to work with Rep. Duffey in reaching out to some groups.

HB 326 **PRESCRIBING AUTHORITY** (**Seitz, B., Gavarone, T.**) To authorize certain psychologists to prescribe psychotropic and other drugs for the treatment of drug addiction and mental illness. (**CONTINUED-AMENDED**; 4th Hearing-Possible amendments)

The committee accepted a pair of amendments offered by **Rep. Theresa Gavarone** (R-Bowling Green).

The first **change** would require the governor to consult with the State Medical Board when appoint the physician member to the Board of Psychology and would state the Board of Psychology could not take action against a member regarding a certificate to prescribe unless the prescribing psychologist member or physician member approves.

The other **amendment** added additional training requirements for psychologists engaged in psychopharmacology with children and adolescents.

HB 399 **HEALTH INSURANCE** (**Henne, M., Butler, J.**) To enact the Ohio Right to Shop Act to require health insurers to establish shared savings incentive programs for enrollees. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

HB 408 **WEEK DESIGNATION** (**West, T., Boggs, K.**) To create the Health Insurance Participation Week. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsor **Rep. Thomas West** (D-Canton) said the proposal would designate the week prior to the Affordable Care Act open enrollment deadline as Health Insurance Participation Week, informing the public on the benefits of having insurance.

"This serves to inform members of the public on the benefits of having health insurance and to encourage members of the public without insurance to purchase coverage through the Ohio health insurance marketplace, or any successor entity," he said.
Rep. West also described his experience working as an application counselor and helping people sign up for health insurance for the first time.

HB 505 **AWARENESS MONTH (Sykes, E.)** To designate May as "Maternal Mortality Awareness Month." (CONTINUED; 1st Hearing-Sponsor)

Sponsor **Rep. Emilia Sykes** (D-Akron) said the proposal would raise awareness for the problem of maternal mortality, saying the number of Ohio mothers who die from pregnancy-related complications has increased threefold from 10 years ago.

The Department of Health is collecting more detailed information on maternal deaths, and maternal mortality shares a similar racial disparity with infant mortality, she said.

"The thing about maternal mortality deaths is that most of them are preventable deaths," she said.

Raising awareness of maternal deaths will help people understand that complications from pregnancy can be dangerous, she said.

Rep. Antonio asked if the data collected by ODH indicate possible ways to deal with the issue.

The data point to risk factors, including increased maternal age and pregnancies covered by Medicaid, Rep. Sykes said.

HB 557 **ART THERAPY (Anielski, M.)** To require the licensure of art therapists and to require the State Medical Board to regulate the licensure and practice of art therapists. (REPORTED-AMENDED; 5th Hearing-Possible amendments & vote)

The committee reported the measure after accepting an **amendment Rep. Tim Ginter** (R-Salem) said eliminated diagnosing authority from parts of the measure.

Rep. Jim Butler (R-Oakwood), **Rep. Derek Merrin** (R-Monclova) and **Rep. Mark Romanchuk** (R-Mansfield) voted against the report.

The Ohio Speech and Hearing Governmental Affairs Coalition, which includes members of the Ohio Academy of Audiology, the Ohio Council of Speech & Hearing Administrators, the Ohio School Speech-Pathology and Educational Audiology Coalition and the Ohio Speech-Language and Hearing Association, submitted written testimony in opposition.

The group said the legislation includes an overly broad definition of art therapy, suggesting art therapists will be able to evaluate, assess and treat communication disorders, conflicting with the scope of practice of speech-language pathologists.

"By defining art therapy to include evaluation and treatment of receptive and expressive communication, HB557 directly conflicts with ORC 4753.02 which strictly limits evaluation and treatment of communication disorders to the practice of speech-language pathology," they said. "Because this is statutorily protected as the sole domain of speech-language pathologists, it cannot be added to the scope of practice for art therapists."

HB 587 ■ **MEDICAID COVERAGE (Anielski, M., Kick, D.)** To require Ohio's Medicaid program to cover white canes for blind or visually impaired recipients.
(CONTINUED; 1st Hearing-Sponsor)

Sponsor **Rep. Marlene Anielski** (R-Walton Hills) said the measure would provide Medicaid coverage for white canes for individuals who are blind or visually impaired.

"Most of us assumed white canes were already covered under insurance plans, Medicaid in particular," she said. "White canes are not. As we understand it, the National Coverage Determination states that a white cane used by a blind person is not covered as durable medical equipment because it is more an identifying and self-help device rather than an item that makes a meaningful contribution in the treatment of an illness or injury."

While the canes don't treat an injury or illness, neither do wheelchairs, walkers or support canes, which are covered, she said.

Fellow sponsor **Rep. Darrell Kick** (R-Loudonville) said white canes cost about \$50, and the Department of Medicaid estimated the bill could cost the state between \$87,679 and \$384,566 per year. That estimate includes training, which is not explicitly included in the legislation.

"While we are both sensitive to increases in the Medicaid program, we feel that it is past time to modify the outdated exclusion and provide coverage for visual impaired Ohioans that are in need of white canes," he said.

HB 601 ■ **DRUG TREATMENT (Ginter, T.)** Regarding administration of drugs for drug addiction treatment. (CONTINUED; 1st Hearing-Sponsor)

Rep. Tim Ginter (R-Salem), the measure's sponsor, said the current statute allows opioid antagonist drugs to be administered to patients battling addiction, but does not specify other types of drugs, including opioid agonist drugs.

"One way of thinking about an agonist versus an antagonist is that an agonist therapy creates an action, while an antagonist therapy opposes an action," he said.

The proposal would allow injectable forms of medication-assisted treatment, which are less likely to be abused because the medication is never in the possession of the patient, he said. It would also require an administering pharmacist to obtain a prescription for the treatment from a treating physician and require that blood and urine test results indicate it is safe to administer the MAT.

Currently, office-based MAT providers with more than 30 patients are required to hold a license as a distributor of dangerous drugs, he said. Exempting products directly administered by the provider from that limit would allow physicians to treat more providers. The sponsor told **Rep. Nickie Antonio** (D-Lakewood) that the proposed exemption would not apply to drugs that are given out to the patient and would only include drugs directly administered by the provider.

Rep. Antonio suggested the proposal include guardrails to ensure providers are accountable. "I think that probably all members recognize that the intent of this bill is to expand access to treatment in a safe and controlled atmosphere," Rep. Ginter.

HB 613 **PREGNANCY TESTING** (West, T., Galonski, T.) Regarding testing pregnant women for HIV, syphilis, and gonorrhea. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. West said the proposal would address infant mortality by increasing screenings for sexually transmitted diseases in expectant mothers.

It would require health care professionals offer HIV, syphilis and gonorrhea tests to women during their first appointments related to pregnancy, he said.

"By requiring that expecting mothers are offered testing for these STDs, we can allow healthcare professionals to address the infections before the birth," he said. "This can play an important role in reducing infant mortality, a category in which Ohio is tragically ranked among the worst states in the nation."

Fellow sponsor **Rep. Tavia Galonski** (D-Akron) said the proposal specifies HIV, syphilis and gonorrhea because they are especially dangerous to newborns if they are untested.

"The key to reducing infant mortality and STD induced health problems an infant is faced with is to offer these tests early in the pregnancy so that these infections can be detected and managed before the child is born," she said. "However, this is not a fix-all solution. We understand the complexities behind reducing the infant mortality rate and therefore worked with many Ohio based healthcare organizations to craft the bill language to ensure we are actively working to end infant mortality."

Patients would also have to be informed of their right to refuse the tests, Rep. Galonski said.

Aging & Long Term Care

SB 158 **ELDER FRAUD** (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (**REPORTED-AMENDED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

Prior to the report the panel adopted an amendment that the Legislative Service Commission said contained several technical and conforming changes, such as cross references to Ohio Revised Code Sections, related to language that was in the biennial budget (**HB 49**).

Community & Family Advancement

HB 497 **PRIVATE IMAGES** (Rogers, J., Manning, N.) To prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and employment protections of a victim of the offense. (**REPORTED (No testimony)**; 4th Hearing-All testimony-Possible vote)

The committee voted to report the measure, with Rep. Nino Vitale (R-Urbana) the only opposition.

HB 608 **NUTRITION PROGRAM** (Wiggam, S.) Regarding eligibility for Supplemental Nutrition Assistance Program benefits. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsor **Rep. Scott Wiggam** (R-Wooster) said the proposal is intended to help Ohioans move from public assistance to the workforce. It would prevent the state from seeking a waiver to exempt it from federal Supplemental Assistance Nutrition Program work requirements.

"By requiring able-bodied adults to fulfill work requirements in order to receive SNAP benefits, more individuals will find themselves on a pathway to long-term employment, ultimately eliminating their need for food assistance," he said.

The measure would only affect able-bodied adults, not children, seniors, individuals with disabilities or people who aren't physically or mentally fit for work, he said.

"Two out of every five able-bodied adults on food stamps have used these benefits at least eight years," he said. "It is time to restore dignity through work for this population. We must ensure that participation in the food stamp program includes a universal work requirement for all able-bodied adults."

It would require able-bodied adults receiving SNAP benefits to work, train or volunteer at least 20 hours per week, he said. Adult recipients would also have to be current on child support payments.

Rep. Janine Boyd (D-Cleveland Hts.) asked the sponsor if he has had an interested party meeting with county job and family services agencies, SNAP recipients, or others affected by the proposal.

The sponsor said he has not talked to local JFS agencies but is scheduled to talk with officials at the Ohio Department of Job & Family Services.

Rep. John Barnes (D-Cleveland) said he was concerned about the effect of work requirements on families with children. While the proposal wouldn't affect benefits for the children, eliminating those benefits for the adults would just mean their children would get less food.

"If you take them off, what happens is that what the kids get, you're just taking more away from the kids," he said.

The sponsor said the change would not affect families with small children, only those with school-aged children. Encouraging parents to find work would also help improve the family's overall quality of life, he said.

Civil Justice

HB 147 **HUMANE SOCIETIES (Hambley, S.)** To make changes to humane society law and to make humane society agents subject to bribery law.

(CONTINUED-SUBSTITUTE; 3rd Hearing-All testimony-Possible substitute)

Prior to hearing testimony, a substitute version offered by **Rep. Laura Lanese** (R-Grove City) was accepted without objection.

Among the changes, it prohibits a humane society from entering into a written agreement not to prosecute a person unless it has been reviewed by a judge who has presided over a hearing related to the case, according to the Legislative Service Commission.

It also establishes that the appointment of an agent is final when approved by a mayor or probate judge. **(Comp doc)**

In interested party testimony, Rachel Finney, CEO of Columbus Humane, raised several areas of concern with the bill, including the added provision regarding prosecution.

"While we are open to judicial review of all NPAs through a process that is consistent for all cases and all defendants, we believe this requirement should be followed by all prosecutors avoiding prosecution through NPAs," she said.

She also said the proposed increase in the monthly amount paid to humane agents does not come close to covering their salaries.


HB 595 **PROBATE LAW (Cupp, R., Rezabek, J.)** Relative to procedures for a testator to file a declaratory judgment action to declare the validity of a will prior to death and the settlor of a trust to file such an action to declare its validity, exceptions to antilapse provisions in class gifts in wills and trusts, incorporation of a written trust into a will, trusts for a minor, arbitration of trust disputes, the creation of county and multicounty guardianship services boards, and coroner's disposition of person dying of suspicious or unusual death. (**REPORTED-AMENDED (No testimony)**; 3rd Hearing-All testimony-Possible amendments & vote)

An amendment offered by Rep. Lanese was accepted without objection. It requires consent to participate in a guardianship board, according to LSC.

Subscriber's Note: Full testimony is available on the [committee website](#) under June 6.

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Daily Activity Planner for Thursday, June 7

Legislative Committees

House Session (Committee Record) (Chr. Smith, R., 466-3357), House Chamber, 9 a.m.

- Session begins at the call of the chair.

Senate Public Utilities (Committee Record) (Chr. Beagle, B., 466-6247), Finance Hearing Rm., 9 a.m.

SCR 21 **APPALACHIAN STORAGE HUB** (Balderson, T.) To urge the Congress of the United States to enact various bills advancing the development of an Appalachian storage hub. (2nd Hearing-All testimony-Possible vote)

HB 422 **WATER SEWER ACQUISITIONS** (Ginter, T., Rogers, J.) To govern acquisitions of municipal water-works and sewage disposal system companies by certain larger nonmunicipal water-works or sewage disposal system companies. (3rd Hearing-All testimony)

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 116, 10 a.m.

SB 86 **DAY DESIGNATION** (Hackett, B.) To designate the twenty-fifth day of May as "Ohio National Missing Children's Day." (1st Hearing-All testimony-Possible substitute & vote-Pending re-referral)

SB 239 **REGIONAL GOVERNMENT COUNCILS** (Dolan, M.) To modify the law concerning regional councils of governments. (1st Hearing-Sponsor)

HB 40 **STATE SPENDING** (Dever, J., Greenspan, D.) To require the Treasurer of State to establish the Ohio State Government Expenditure Database. (4th Hearing-All testimony-Possible vote)

HB 589 **MONTH DESIGNATION** (Ramos, D., Lang, G.) To designate September 15 to October 15 each year as "Hispanic and Latino Heritage Month." (2nd Hearing-All testimony)

HB 598 **LAND SALES** (West, T., Green, D.) To give county auditors more discretion with respect to how often tax-forfeited land shall be offered for sale, to expressly immunize counties from civil liability in connection with such land, and to remove a requirement that property held by a land bank for more than fifteen years must be offered for sale at a public auction. (1st Hearing-Sponsor)

HB 624 **IMMIGRANT GRANTS** (Kent, B.) To establish the New African Immigrants Grant and Gift Fund in the state treasury. (2nd Hearing-All testimony)

Agency Calendar

Medical Marijuana Advisory Committee, Rms. South B&C, 31st Fl., 77 S. High St., Columbus, 9:30 a.m.

Event Planner

Release of May casino revenues, 1:30 p.m.

Sen. Lou Terhar (R-Cincinnati) fundraiser, Kenwood Country Club, 6501 Kenwood Road, Cincinnati, 6 p.m., (Title Sponsor: \$5,000 | Event Sponsor: \$2,500 | Event Host: \$1,500 | Attendee: \$500 to Friends of Lou Terhar)

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Volume #87, Report #109 -- Wednesday, June 6, 2018
Smith Elected Speaker After 11 Votes; House Returns To Work Thursday

The path to the top spot in the House took a little longer than newly elected Speaker Ryan Smith hoped.

First there was the weeks-long wait for a vote, as sessions to decide who would replace Cliff Rosenberger, who resigned April 12, were scheduled and canceled. Then on Wednesday, there was two-and-a-half hours of voice voting, as each individual member stated their preference on several ballots.

In the end, Rep. Smith, who always asserted he had the votes, took up the gavel as the chamber's 103rd leader.

"I always wondered what it would feel like to go the distance in a prize fight," the Bidwell Republican told the chamber after being sworn in by Supreme Court Justice Patrick Fischer. "I guess now I know."

This fight went 11 rounds.

For the first 10, a speaker hopeful needed a majority of those present in order to win. With one member waiting to be seated and seven absent, that meant 46 votes.

Rep. Smith's total held at 44, including Democrats Rep. Bernadine Kent (D-Columbus) and Rep. John Barnes (D-Cleveland). Minority Leader Fred Strahorn (D-Dayton) maintained 28 votes through the first 10 rounds.

The rest of the Republican votes ebbed and flowed between Rep. Andy Thompson (R-Marietta) and Rep. Jim Hughes (R-Columbus). Rep. Thompson started the voting with 17 votes to Rep. Hughes's two, but some Thompson supporters switched, with Rep. Hughes peaking at nine votes in the sixth and seventh counts.

Rep. Hughes was a surprise nominee offered by Rep. Jay Edwards (R-Nelsonville). Asked after session about whether there was a strategy behind the move, the presumed supporter of Rep. Thompson said he felt Rep. Hughes was "the best man for the job."

In the 11th round, according to state law, a majority was no longer required and the candidate with the most votes would win. Rep. Smith held steady at 44 votes, while Rep. Strahorn earned 27, Rep. Thompson earned 13 and Rep. Hughes totaled seven. Rep. Bill Patmon (D-Cleveland) switched from Rep. Strahorn to Rep. Hughes on the final tally, while a few erstwhile Hughes supporters returned to Rep. Thompson.

Rep. Thompson, who had been seen as Rep. Smith's principal Republican challenger after Rep. Larry Householder (R-Glenford) opted to wait to bid for the speakership until January, was magnanimous after the vote.

"I respect the outcome and I hope that he will be a successful speaker," he told reporters. "We want our people to be successful."

On the Democratic side, Rep. Strahorn said the contentious process, coming after Mr. Rosenberger's resignation amid an FBI investigation, continues to cast a shadow over the chamber's work.

"After almost two months of legislative gridlock that prevented us from passing meaningful bills to create jobs and improve people's lives, it is important that we are now able to move forward with the people's work," he said in a statement.

"I am hopeful that the chaos and dysfunction that has plagued this institution will fade, but the hard truth is there is still a cloud of uncertainty cast upon our work as alleged corruption and wrongdoing continues to be investigated," he continued. "I congratulate the new speaker and implore him to put divisive political bills aside so that we may all recommit ourselves to truly working in a bipartisan way to bring needed and meaningful change to our great state."

Next Steps: The new speaker told reporters afterward that he hopes to focus on getting back to work and dealing with legislation that has sat idle amid the nearly two-month impasse.

"It's certainly been a long journey. I'm looking forward, not looking back. I want to get to working on bills again, and I think that will help bring this divide back together," he said. "Let's get back and lead. Let's do our work, and the rest will take care of itself."

The House is set to be in session Thursday, with 17 items on the calendar. Proposals dealing with payday lending (HB 123) and voting equipment (SB 135) are set for votes. Some concurrence votes could also be taken.

Just after the final vote, Senate President Larry Obhof (R-Medina) said "it will be good to see them get back to work."

He noted that there are 16 bills in the House currently waiting for concurrence.

"The next time they meet, they're going to have a busy day," he said, adding that at least 26 bills have cleared the upper chamber since the House's last meeting.

"A lot of the House bills that we've passed that are over there now have substantial amendments in them."

Rep. Smith said House Republicans would decide on priorities for the next few weeks during a Wednesday night caucus. He said the current leadership structure is expected

to remain intact. As for committee chairs, he indicated there might not be much change, even though some committee chairs voted repeatedly for candidates other than Rep. Smith.

"I'm not looking to be retaliatory about that," he said. "We live in a society where people can make their own choices. I think at this point, I'm going to bring everybody back together and ask for a clean slate and start to rebuild trust. That's not a good way to start, is taking away chairmanships."

Regarding the House's work after Thursday, Rep. Smith said they will likely add a few session days, with spring session work wrapped up by July 4.

"I think we have a lot of things to talk about moving forward," he said.

Vote Changes: During the vote, Rep. Smith's supporters didn't waver, and the only loss Rep. Strahorn faced came when Rep. Patmon switched to Rep. Hughes on the 11th vote.

The moves between supporters of Rep. Thompson and Rep. Hughes were much more fluid. Rep. Thompson was nominated by Rep. Christina Hagan (R-Alliance), who said the chamber needed a change after the FBI investigation. Rep. Thompson is term-limited and would be able to focus specifically on the remaining several months of the session, she said.

"There is a clear and rational reason to take a different direction for our caucus and for the entirety of this body and this institution," she said.

Rep. Edwards said his nominee had the integrity and experience to lead the chamber.

"We deserve a new path," Rep. Edwards said. "I think we need to elect somebody who wasn't a part of the reason that we're here today."

Rep. Thompson said the nomination of Rep. Hughes was likely an effort to try to peel off Democratic votes.

"I think that might have been some strategic move to think that more labor Democrats might support a labor guy, that somehow there might be some migration if you supported Hughes as a more moderate/pro-labor Republican," he said. "I was not that guy, obviously. I'm the right-to-work guy. I was not really privy to that. Frankly, I didn't want to lose votes."

Lighthearted Votes: Rep. Robert Cupp (R-Lima), who nominated Rep. Smith, noted in his nomination speech that the selection process this time was different from the often lighthearted approach taken in the past, and offered a serious appeal for his candidate. The seriousness wore down a bit as vote after vote was called, with little change.

Rep. Jack Cera (D-Bellaire) added a new descriptor for Rep. Strahorn every time he voted, including "the honorable Fred Strahorn," "the illustrious Fred Strahorn" and, perhaps running out of adjectives in the seventh vote, "the bearded Fred Strahorn." In the 11th vote, Rep. Strahorn himself voted for "the bearded Fred Strahorn."

Rep. John Becker (R-Union Twp.) made clear that his vote for Rep. Thompson would not change, including voting in the eighth for "Thompson, to infinity and beyond."

Lake Erie Funding Bill Among Eight Measures To Clear Senate

Eight bills cleared the Senate on Wednesday, including a measure to expand survivor benefits for families of fallen law enforcement officers and another to boost school safety.

The upper chamber also unanimously approved legislation (SB 299) aimed at improving the health of Lake Erie.

That measure makes \$20 million available for programs aimed at reducing phosphorus levels in the lake, among other appropriations. However, Ohio EPA Director Craig Butler said Tuesday that it does not go far enough. The agency earlier this year failed to find a sponsor for a wide-ranging bill representing the agency's plan to deal with phosphorous runoff and other environmental issues. (See Gongwer Ohio Report, June 5, 2018)

Sen. Randy Gardner (R-Bowling Green) said during the Wednesday floor debate that the package builds on previous efforts to improve the health of Lake Erie.

However, he acknowledged there is more work to do, saying in the big scheme of things, lawmakers have advanced the ball by about two yards.

"At this rate, there is no way we are even going to get to the 50-yard line by year 2025," he said.

Sen. Sean O'Brien (D-Bazetta) added, "I think we all recognize that this is one of our crown jewels and most important natural resources."

Peter Bucher, water resources director at the Ohio Environmental Council Action Fund, called the proposal a step in the right direction.

"This is a well-rounded approach that can make a difference for Lake Erie," he said.

The bill (SB 296) to broaden benefits for the families of police officers and firefighters killed in the line of duty would extend pension coverage for a family from the first possible retirement date to the maximum pension eligibility date. It also would allow families of fallen officers to opt-in to health, dental, vision and other insurance plans. (See Gongwer Ohio Report, May 3, 2018)

If the measure, which passed with no opposition, becomes law, it would mark the first update to survivor benefits since 1976.

Sen. Frank LaRose (R-Hudson) said state lawmakers have many important obligations but added "there are few that are more weighty or more solemn" than taking care of the families of fallen first responders.

The measure (HB 318) on school safety originally was designed to implement standards for school resource officers. However, it has grown to include \$14 million in funding for schools for safety programs and training, as well as a measure aimed at curbing suspensions among young students. It was approved in a unanimous vote. (See Gongwer Ohio Report, June 5, 2018)

"Everyone knows that school safety and security is one of the most prominent, important issues facing Americans in every state," Sen. Gardner said before vowing to do more to keep students safe in learning environments.

"This is not the last word on school safety in Ohio," he added. "Other members are already talking about other ways we can improve school safety."

The upper chamber also passed a measure (HB 506) that could stave off a statewide ballot issue to eliminate puppy mills. (See Gongwer Ohio Report, May 25, 2018)

It was approved 31-1, with Sen. Kris Jordan (R-Ostrander) casting the lone "no" vote.

The legislation establishes new regulations for high-volume dog breeders. Recent changes to the bill have led organizers of the Ohio Puppy Mill Prevention Amendment to tentatively agree to withdraw their proposal.

Sen. Bob Hackett (R-London) said the measure is designed to provide high-volume dog breeders with standards with which they can comply.

Another measure (SB 182) pertaining to dogs also cleared the chamber, this one in a unanimous vote. The bill would allow restaurant owners to welcome dogs on their patios so long as the establishments continue to meet all safety and sanitary requirements. (See Gongwer Ohio Report, August 21, 2017)

Two amended House bills (HB 10 & HB 430) were also approved by senators. (*See separate story*)

Both received major changes in the Senate Rules & Reference Committee on Tuesday, with a provision added to HB10 to provide the state auditor with more say in the performance auditing process for JobsOhio.

Sen. Cecil Thomas (D-Cincinnati) attempted to amend the measure originally designed to permit intrastate equity crowdfunding. The amendment, which he said would provide more transparency to the process, was tabled in a party-line vote.

The bill was approved 32-1, with Sen. Michael Skindell (D-Lakewood) providing the only opposition.

Sen. LaRose said the intrastate crowdfunding provisions have the potential to boost the state's economy.

A moratorium on new firework manufacturers and wholesaler licenses was added to HB430, a bill originally intended to clarify the sales use and tax exemption for oil and gas production.

Sen. John Eklund (R-Chardon) said the original measure is a result of compromise between the oil and gas industry and the Department of Taxation.

"The parties who are involved in this...showed great resolve and great commonality eventually," he said.

A bill (SB 263) to simplify and enhance the commissioning process for public notaries also cleared the upper chamber in a unanimous vote.

The legislation will create uniformity across the state, Sen. Matt Huffman (R-Lima) said.

State Auditor Would Have More Say Over JobsOhio Performance Audits Under Senate Change; Fireworks Moratorium Extended

The Senate took steps Wednesday toward expanding the state auditor's involvement in performance audits of JobsOhio, the quasi-private development entity formed by Gov. John Kasich. The group immediately objected to the proposal.

The chamber also amended an unrelated tax measure (HB 430) with language that extends the moratorium on new businesses selling fireworks to Dec. 31, 2019.

Both moves came during a rare meeting of the Senate Rules & Reference Committee in which bills were heard.

The JobsOhio audit language was inserted by the committee into a House measure on intrastate equity crowdfunding (HB 10). Both it and the measure clarifying equipment taxation for the oil and gas industry cleared the full session later in the day.

Senate President Larry Obhof (R-Medina) said the JobsOhio provision resulted from discussions with State Auditor Dave Yost, who has pushed for more oversight of the nonprofit, which funnels millions in state liquor profits into development projects but largely operates as a private entity.

The language gives the auditor more say in the performance audit process conducted by private firms, such as its scope and a review of the findings later in the process that

could lead to further questions, Sen. Obhof said. "We want the auditor to be more involved in that process from here on out."

The provision doesn't deal with the more frequent JobsOhio financial audits that are also done privately but later released to the public, he said.

Asked whether the administration or House was on board, Mr. Obhof said it was the Senate's prerogative to make the change.

"They haven't been fond of us doing anything in this area," he said of the Kasich Administration. "But the Senate decides what the Senate wants to do, and we thought this was the right policy for the state of Ohio."

"Those of us in the Senate who have been working on this issue are interested and supportive of increased transparency and an increased role for the auditor" while being cognizant of the quasi-private nature of JobsOhio, Sen. Obhof added.

Kasich spokesman Jon Keeling declined comment. "As is our standard practice, we're not going to comment on pending legislation," he said.

JobsOhio spokesman Matt Englehart called the legislation "unnecessary."

"JobsOhio is a private nonprofit corporation and should not be subject to legislation mandating an audit from the state," he said.

"We do believe, as most private companies do, that a performance assessment is a good idea and demonstrates good corporate governance, which is why our Board of Directors approved a periodic review in late 2017. A performance evaluation of JobsOhio is now being conducted by McKinsey & Company, an independent internationally respected firm with significant expertise in economic development and performance evaluations."

Mr. Englehart said JobsOhio also drafted a Memorandum of Understanding that was offered to the state auditor to expand the office's role in the review process "but that offer was declined."

"The final independent assessment of JobsOhio will be shared publicly. Legislation is unnecessary because of our Board's commitment to corporate governance and because a performance assessment will be completed periodically without a legislative mandate," he said.

Auditor Yost welcomed the action on the amendment in a statement.

"JobsOhio is a quasi-public agency that exists to serve a public purpose for Ohioans," he said. "The people of Ohio deserve a seat at the table. This amendment ensures that any performance audit of JobsOhio is completely independent."

Mr. Yost said five of the 10 states with similar development groups provide for performance audits with "state involvement."

Under the legislation, Mr. Yost said, matters of scope involving the auditor could include: cost per created or retained job; proportion of approval rates; longevity of jobs created or retained; comparison of job growth within the incentivized vs. non-incentivized segments; time elapsed to reach a project decision; gross payroll impact within the incentivized vs. non-incentivized segments; net tax impact across all revenue bases; and whether internal metrics were achieved.

The state auditor said the performance audit currently underway "falls short on accountability."

"In this arrangement, the audit firm answers to JobsOhio and not the people of Ohio," he said. "The people need to be at the table."

During debate on the Senate floor, Sen. Cecil Thomas (D-Cincinnati) offered an amendment, which was tabled by majority Republicans, that he said would further improve transparency by clarifying that the results of the performance audit would be made public.

"Transparency is essential for good government," said Senator Thomas. "JobsOhio has operated for years without being accountable to the taxpayers. The public deserves to know if JobsOhio is creating jobs, like it claims. I believe this bill falls short and won't guarantee that right to our citizens."

The bill cleared the Senate unanimously.

The fireworks moratorium is being pursued as the broader measure on the devices continues to be reviewed in the Senate Government Oversight & Reform Committee. The Senate president said the language, which continues a current moratorium, was being expedited out of "an abundance of caution" given the work that remains on the bill.

Sen. Bill Coley (R-Liberty Twp.), chairman of the committee reviewing the legislation to legalize fireworks, said the bill is far from dead and interested parties continue to work on amendments.

The Kasich administration has not expressed an opinion on the bill, the committee's review of which is "just about done," he said.

"Given everything else that's going on we just haven't been able" to finish work on it, he said. He predicted it would eventually pass.

Foes See Effort To Shed Excess Regulations As Overly Broad

Opponents of a legislative effort to reduce the state's regulations by 30% requested the legislature employ a more precise method to curtail unneeded rules after comparing the proposed legislation to a shovel, a hammer and other blunt instruments.

Chairman Sen. Frank LaRose (R-Hudson) on Wednesday nevertheless said he intends for the Senate Transportation, Commerce and Workforce Committee to take action on the measure (SB 293) at its next meeting after reviewing potential amendments.

Senate President Larry Obhof (R-Medina) previously said he's "cautiously optimistic" the upper chamber will take up the bill this month, adding he would like to see it signed into law before the end of the year. (See Gongwer Ohio Report, May 24, 2018)

While representatives of business groups last month argued in favor of the legislation as a way to boost the state's economy, (See Gongwer Ohio Report, May 23, 2018) opponents from multiple groups stressed in opponent testimony Wednesday they think it could lead to negative consequences.

Zach Schiller, research director at Policy Matters Ohio, said the legislation is "both impractical and unwarranted." He said the General Assembly could reduce the size of the Ohio Administrative Code by repealing laws instead of requiring agencies to cut rules and expressed dismay at a provision mandating agencies develop inventories of rules that require or prevent actions.

"No doubt there is some language that could be excised from the administrative code - although the General Assembly often asks agencies in legislation to handle issues through rule-making," he said. "But a blanket idea that the words 'shall' or 'prohibit' are somehow bad words; that requiring businesses and residents alike to follow certain rules is bad for business - these are outlandish notions that have no place in legislation."

Mr. Schiller said legislators should take the time to remove particular rules they dislike rather than employing this measure, which he referred to as "very crudely drawn" and an "incredibly broad hammer."

Trent Dougherty, general counsel for the Ohio Environmental Council Action Fund, compared previous state efforts at regulatory reform to using a scalpel and the measure under discussion to using a shovel.

"This (legislation) actually goes to what I see as bad governance," he said. "The bill itself provides really no guidance to state agencies on how to preference that elimination. It doesn't consider what an agency should do if it can't eliminate the necessary number of regulations (if) too many of them are required by statute."

Mr. Dougherty said his group also has concerns the measure could have an especially negative effect on the state's environment. He said he fears the legislation could result in the elimination of rules that protect residents' health, as well as regulations that require "that bad actors are dealt with appropriately."

Sen. Edna Brown (D-Toledo) said she thinks the measure should give special consideration to agencies that oversee the education, health and safety of residents.

Nicole Clum, legislative liaison for the Office of the Ohio Public Defender, asked for the committee to amend the bill so it only affects agencies that oversee private businesses or regulations that are discretionary. She said if the Ohio Public Defender Commission is required to cut rules by 30%, it could lead to looser protections regarding confidentiality, laxer requirements for court-appointed attorneys and, potentially, lawsuits from defendants claiming ineffective counsel.

"In its current form, SB293 is far too broad," she said. "It will require the elimination of regulations that provide transparency and ensure good stewardship of public funds to the detriment of all Ohioans."

Asked by Sen. Charleta B. Tavares (D-Columbus) if her office could share suggested language for an amendment with the bill's sponsors, Ms. Clum said it could by early next week.

Sen. LaRose said he recommends organizations with concerns regarding the bill work with the sponsors on potential changes within the next two weeks ahead of a potential vote by the committee.

Lawmakers Renew Push For Health Care Price Transparency

A pair of Republican House members urged colleagues Wednesday to pass a new proposal that would let patients shop around for the best value in medical procedures.

The proposal (HB 399) differs somewhat from past efforts, including one included in past legislation (HB52, 131st General Assembly) and later halted in court. (See Gongwer Ohio Report, January 6, 2017)

Sponsor Rep. Michael Henne (R-Clayton) said people have no incentive to shop around to find the best value for medical services because they are paid by another party.

"Competition is a very important factor in a free market, but most people just take the path of least resistance," he said. "I go to my doctor, he tells me to go downstairs and have a test done, and I do it. Imagine if there was a reason for me to pick up the phone, look on the computer, or check an app on my phone to find that same test or procedure for a lower price. That is exactly the purpose of this Right to Shop legislation."

The proposal would allow patients to receive a shared savings incentive if they find providers who will do procedures for less than the average price the insurance company has paid for the procedure, he said.

"This bill creates an incentive to actually go look for a better value," he said.

Fellow sponsor Rep. Jim Butler (R-Oakwood) said another important component of the measure is price transparency. He pointed to the past effort, which required health care providers to give patients estimates.

The new proposal requires providers to send codes for a proposed procedure to the insurance company, which would provide an estimate to the patient, he said. The change lessens the administrative burden on the provider.

Insurers would also be required to maintain an online database where patients can shop for service within their network, he said.

Rep. Butler said he believed the effort toward price transparency and giving patients the ability to shop for services is important, but he wasn't optimistic that it would become law soon, particularly with the measure getting its first hearing late in the legislative session.

"It's not going to pass," he said. "This is already not going to happen. We're going to keep fighting for it."

Rep. Mark Romanchuk (R-Mansfield) said he supported the idea but asked why insurance companies wouldn't include this in its contracts with providers.

Insurance companies don't have an incentive to reduce medical costs, Rep. Butler said. Insurers' profits are limited by a ratio of medical costs, meaning they are able to make more in profits if overall costs are higher.

Republican Senators Question Universal Background Checks Bill

Firearms legislation was at the forefront of activity Wednesday for one Senate panel.

Among the measures taken up by the Senate Government Oversight & Reform committee was a Republican proposal (SB 281) to allow federally licensed firearm dealers to refuse to sell or transfer a firearm to any person and provide those dealers with civil immunity, which received support from one gun rights advocate.

Gary Witt, legislative coordinator for Ohioans for Concealed Carry, said in written proponent testimony that there are a number of non-discriminatory reasons a federally licensed firearm dealer could decide not to complete a gun transaction.

The panel also took up two Democratic-sponsored proposals, including one (SB 279) to require the safe storage of firearms.

Before hearing testimony, a substitute bill was accepted at the request of sponsoring Sen. Vernon Sykes (D-Akron). The substitute version of the bill largely cleans up language contradictory with the Revised Code, according to the sponsor's office.

Sen. Sykes said that under the measure firearms must be secured in a container that can only be unlocked with a key or combination; otherwise the gun must have a trigger lock.

He said compliance with the proposal would range from \$7-\$50.

"However the benefits are substantial," he said. "In one study, it was found that there was a 23% drop in unintentional firearm deaths among children younger than 15 in 12 states that had gun safety storage laws in place for at least one year."

Sen. Charleta B. Tavares (D-Columbus), the bill's other primary sponsor, said the measure also contains a third-degree felony provision for those who do not properly store their firearms if a minor gains access to one and causes death or bodily injury to any person.

"Every year nearly 300 children ages 17 and under gain access to a gun and unintentionally shoot themselves or someone else," she said. "Almost 500 more die by the completion of suicide with a gun."

Chairman Sen. Bill Coley (R-Liberty Twp.) asked if the sponsors would have a problem including containers opened by palm or fingerprints. Sen. Sykes said he would have no problem with such a provision.

"It takes seconds to unlock even those with the combinations," Sen. Tavares added.

The final measure (SB 283~~00~~) would institute universal background checks.

Sen. Joe Schiavoni (D-Boardman) said in sponsor testimony that avoiding background checks in Ohio is not difficult, whether online or through gun shows from unlicensed dealers.

"An estimated 40% of all firearms transferred in the U.S. are transferred through unlicensed individuals, although this number is hard to predict given the fact that these transfers are difficult to trace," he said. "We do know, though, that gun offenders almost always obtain their guns through private sales. One survey of prison inmates convicted of gun offenses and already prohibited from possessing a firearm at the time of their offense revealed that 96.1% obtained their firearms through an unlicensed private seller."

The bill's other primary sponsor, Sen. Cecil Thomas (D-Cincinnati), said a recent Quinnipiac poll found nearly universal support for expanding background checks to all sales and transfers.

"It makes sense to keep guns out of the hands of dangerous people. Responsible gun owners and law-abiding citizens will not be affected by this legislation," he said. "There are exemptions listed in the bill for temporary transfers for self-defense, hunting, and shooting competitions. There are also exemptions for transfers between law

enforcement entities, gunsmiths for repair and to government entities conducting voluntary surrender programs. This bill would make Ohio a point of transfer state and close a loophole that allows criminals to gain access to firearms."

Sen. Kris Jordan (R-Ostrander) said there are laws against selling and using drugs, speeding and committing robbery, yet people still engage in those crimes.

He called the proposal "another hurdle for good people to obtain a constitutionally protected item."

Sen. Schiavoni said nearly 20 other jurisdictions have similar laws. "We have to have laws in place to have a society of rules and laws," he said.

Sen. Matt Huffman (R-Lima) questioned the sponsors on whether giving a firearm as a gift would require a background check on a recipient.

That would be the case, according to Sen. Schiavoni, who added that the background check could be run by a law enforcement agency or a licensed firearms dealer.

The response led Sen. Jordan to again express concern with the measure, noting that firearms are often passed down by families.

Sen. Schiavoni said guns are not jewelry, coins or other heirlooms.

"These are firearms, and in some peoples' hands they are dangerous," he said.

School Officials Decry Local Money Lost To ECOT

Local school administrators on Wednesday took the state to task for not cracking down earlier on the Electronic Classroom of Tomorrow's bookkeeping, saying the result was millions in lost revenue diverted to the now-shuttered online school.

George Wood, superintendent of Federal Hocking Local Schools, recounted how some former students who allegedly enrolled in ECOT were left hanging after the school closed under an audit that resulted in the state seeking to "claw back" millions due to overreported attendance.

Several students claimed by ECOT hadn't logged in for more than two years, he said. "They turned 18 this year and simply dropped out."

Another group was so "credit deficient" they ended up pursuing GEDs, and a couple students weren't at the address provided by the Department of Education, Mr. Wood said. "ECOT had claimed students that literally weren't there."

The superintendent said the state diverted \$600,000 in local funding over eight years from the district to ECOT. "It's a teacher and an aid," he said, adding it would cover a lot of textbook costs as well. "It's a new bus every year."

"It's somewhat amazing," he added of ECOT's shutdown, "that it took the state of Ohio so long to get this done."

Mr. Wood and other local school officials detailed their beefs with ECOT and the state during a Statehouse news conference organized by Innovation Ohio, where former Rep. Steve Dyer has been focused on analyzing the financial impacts of the state's charter school system.

The group released a district-by-district breakdown of how much local schools lost to ECOT during the last six years, the total of which was \$591 million and accounted for 60% of the money the online school received since it was founded in 2000, Mr. Dyer said.

All but six of the state's 613 school districts lost money to ECOT during the period, and 129 saw more than \$1 million diverted to the school, he said.

Bob Applebaum, treasurer of Maple Heights City Schools, said his district saw \$3 million siphoned off to ECOT since 2009 - money that could have helped put off returning to voters with a tax levy for "several more years."

Citing his background in the private sector, the treasurer said the circumstances underscored the difference between the missions of public and for-profit schools.

"The bottom line is more important than the education of students," he said, calling ECOT students "pawns for profit" and ripping the school for "fraudulently representing itself."

Responding later to the officials' concerns, ODE spokesman Dan Minnich defended the agency's response.

"No one has held ECOT more accountable for the education of students than the Department of Education, and the department's efforts to return monies the school districts are entitled to continue," he said.

Facing the prospects of having to return millions to the state, ECOT shut down in January and its assets are under liquidation. The school is the subject of ongoing litigation and investigations into its bookkeeping and student attendance records. (See Gongwer Ohio Report, May 10, 2018)

Proponents Tout Impact Of Bill To End Lawsuits Seeking To Quell Speech

Several groups Wednesday spoke out in favor of legislation designed to offer protection against meritless lawsuits related to the exercise of First Amendment rights.

Dennis Hetzel, executive director of the Ohio News Media Association, said "strategic lawsuits against public participation," or SLAPP, often are less about winning court cases and more about quelling speech.

"The bill will help citizens defend themselves against litigation filed with the primary motivation to silence critics and discourage others," he told members of the Senate Government & Oversight Reform Committee during testimony on the bill (SB 206).

Mr. Hetzel also told the panel that the measure is one that has attracted support from a wide variety of groups on both sides of the aisle.

"That's because constitutional rights don't know political boundaries," he said. "At different periods in American history, free speech battles have come from left and right. Other controversies have no political agenda at all- just a goal of 'shutting you up.'"

Bridget Mahoney, chair-elect of the Ohio Domestic Violence Network, said she faced such a frivolous lawsuit more than 20 years ago. In nearly two years of litigation, she said she was forced to spend more than \$100,000 to defend herself.

"I was and am still shattered by that," she said. "It took a long time to recover emotionally, I have yet to recover financially, and for a long time during and after the lawsuit, I nearly stopped my advocacy work."

Gary Daniels, chief lobbyist at the ACLU of Ohio, said his organization has represented individuals in SLAPP cases to protect First Amendment rights.

Such lawsuit, Mr. Daniels said, often are brought forth by well-funded entities seeking "to crush those they perceive as hostile to their interests."

"They are doing it because they know full well they are financial Goliaths against sparsely-funded Davids and the best way to silence opposition is to sue them until they are broke and/or silenced."

Others sought to reassure members of the panel that the measure will not change current defamation law, including attorney Jeff Nye.

Mr. Nye said he has represented clients in SLAPP cases, such as those who have posted negative feedback on eBay. Under the measure, those lawsuits could be wrapped up quickly, he added.

Attorney John Greiner, who has represented media outlets in defamation lawsuits, pointed specifically to the case of a small newspaper sued by Murray Energy as a rationale for passing the measure.

In the case, he said, "Ohio's Eighth District Court of Appeals took the extraordinary step, in its decision affirming summary judgement on behalf of various citizens and media outlets in a frivolous libel suit, of urging the Ohio legislature to adopt anti-SLAPP legislation."

Representatives from the Ohio Alliance to End Sexual Violence and Yelp also provided proponent testimony.

Agency Briefs: State Revenue Intake Up Again As End Of Fiscal Year Looms; ODVS Names New Veteran Home Superintendent; Ohio Officials Weigh In On E15 Rules

The continuation of strong personal income tax collections last month has state coffers on track to finish well in the black and provide for a deposit into the Budget Stabilization Fund when the fiscal year closes at the end of June, the latest revenue data from the Office of Budget and Management show.

The preliminary revenue report for May, released Wednesday, showed PIT intake totaling almost \$683 million and beating earlier projections by \$92.5 million, or nearly 16%.

That total was bolstered by positive performances in most other tax categories, but offset by a large variance in the Domestic Insurance Tax. The bottom line for tax revenue during the month was \$2.087 billion, which was \$58 million, or 2.9%, above estimates generated for planning purposes with the enactment of the biennial budget (HB 49) last spring.

Due mostly to the strength of the PIT so far in Fiscal Year 2018, total tax collections are running ahead of schedule with a month remaining by \$418.6 million, or 2.1%, OBM reported. The PIT alone, which accounts for \$7.58 billion in this year's revenue, is ahead of schedule by \$402 million, or 5.6%.

Further evidence of the state's relatively sound economy is seen in the comparison to last fiscal year's revenues through the first 11 months. OBM reported that tax intake is running ahead of last year's pace by \$534.6 million, or 2.7%.

The sales tax category continued to land right around projections, as the \$861.8 million taken in during May was \$7 million, or 0.8% higher than estimates, the budget office reported. So far this fiscal year, sales taxes have accounted for about \$9.23 billion, which is \$40.2 million, or 0.4%, to the good.

Department of Veteran Services: The administration announced Wednesday that Terry Prince, a retired U.S. Navy Hospital Corpsman, has been named superintendent of the Veterans Homes in Sandusky and Georgetown.

"We are excited to have Terry Prince part of our team," ODVS Director Chip Tansill said in a statement. "Terry brings a senior level of healthcare experience to our homes after leading teams in the military regional healthcare systems, medical centers and hospitals."

Mr. Prince began his military career in 1986, serving in the Dental Technician and Hospital Corpsman ratings. His resume includes assignments to 14 different duty

stations including service as the Command Master Chief of Naval Hospital Camp Lejeune in North Carolina, and later at the Walter Reed National Military Medical Center in Bethesda, Md.

He was also the senior enlisted advisor to the Defense Health Agency and director of the U.S. Navy Hospital Corps and Force Master Chief of Navy Medicine, according to ODVS.

"I am honored to be selected as Superintendent and serve veterans, their families and our staff at the Ohio Veterans Homes with the full force and effort you would expect from a retired U.S. Navy Hospital Corpsman." Mr. Prince said. "There is no greater calling than to help others and my family and I are so excited to have this opportunity to do just that."

U.S. Department of Agriculture: Dozens of community leaders across the Midwest, including several from Ohio, recently sent a letter to U.S. Department of Agriculture Secretary Sonny Perdue regarding rules that impact sales of biofuels such as E15.

The group, which includes Sen. Bob Hackett (R-London), chairman of the Senate Agriculture Committee, Marion Mayor Scott Schertzer and 12 other Ohio officials, point to slumping farm income in seeking the secretary's support for "the president's pledge to lift outdated Environmental Protection Agency restrictions against the summer-time sales of E15...."

"The rules were drafted long before lower-cost E15 was introduced, resulting in standards that restrict E15 while permitting less eco-friendly options to be sold all year," the letter states. "A fix cannot come soon enough - for farmers, for biofuels producers, or for drivers who prefer to save money while supporting clean air and American jobs."

The letter was offered in a show of support for an ongoing campaign organized by Growth Energy, America's leading trade association of biofuel producers and supporters.

"Starting June 1, outdated federal regulations cut off millions of drivers from a lower-cost fuel that supports farmers and rural manufacturing," Growth Energy CEO Emily Skor said. "President Trump promised Midwest lawmakers that he would fast-track a fix, and Secretary Perdue is working with the Environmental Protection Agency on a solution, but time is running out. Farmers cannot afford to be locked out of the market for another driving season, especially when we could be holding down quickly-rising gas prices."

Attorney General's Opinion

No. 2018-013. Requested by Geauga County Prosecuting Attorney James R. Flaiz.
SYLLABUS:

1. The general division of a court of common pleas shall be located at the county seat, unless the seat of justice has been removed from the county seat pursuant to R.C. 301.04.

2. Offices for the clerk of a court of common pleas, which are used for performing the clerk's duties with respect to the court of common pleas and the court of appeals, may be located at the county seat or in any other part of the county. It may be impractical, however, to locate offices of the clerk of a court of common pleas, which are used in the performance of the clerk's duties with respect to the court of common pleas and court of appeals, at a location that is not in the same building as, or in proximity to, the court of common pleas and the court of appeals.

3. A county law library and offices for a county law library resources board may be located at the county seat or in any other part of the county.

4. Offices for a county board of elections shall be provided by the board of elections and may be located in any part of the county.

5. Offices for the governing board or superintendent of an educational service center shall be provided by the governing board of the educational service center and may be located in any part of the county.

6. Offices for the board of health of a general health district that was formed pursuant to R.C. 3709.07 as a union of a city health district and a general health district may be located at the county seat or in any other part of the county. (1991 Op. Att'y Gen. No. 91-015, overruled, and 1991 Op. Att'y Gen. No. 91-016, overruled, in part, as a result of legislative enactment.)

Governor's Appointments

Early Intervention Services Advisory Council: Susannah Wayland of Columbus and Christine Dobrovich of Delaware for terms beginning June 6, 2018, and ending June 30, 2019.

Edison State Community College Board of Trustees: Elizabeth Simms Gutmann of Piqua for a term beginning June 6, 2018, and ending January 17, 2019.

Supplemental Agency Calendar

Wednesday, June 13

State Dental Board, 19th Fl., 77 S. High St., Columbus, 8:15 a.m. (The Education Committee meets at 8:15 a.m. followed by a full board meeting at 9 a.m. and further committee meetings at 1 p.m.)

Supplemental Event Planner

Thursday, June 7

Release of May casino revenues, 1:30 p.m.

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Click the  after a bill number to create a saved search and email alert for that bill.

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Senate Activity for Wednesday, June 6, 2018

INTRODUCED

SB 308 ■ **ELEVATOR LAW** (Uecker, J., Yuko, K.) To revise the Elevator Law. Am. 121.084, 4105.01, 4105.10, and 4105.15 and to enact sections 4105.101, 4105.30, 4785.01, 4785.02, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 4785.092, and 4785.99

PASSED

HB 10 ■ **CROWDFUNDING** (Arndt, S.) To permit intrastate equity crowdfunding under certain circumstances.
33-0 (AMENDED)
Gongwer Coverage

HB 318 ■ **SCHOOL RESOURCE OFFICERS** (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers, to require the Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation.
33-0
Gongwer Coverage

HB 430 ■ **ENERGY TAX EXEMPTION** (Schaffer, T.) To expand the scope of a sales and use tax exemption for certain kinds of property used in the production of oil and gas.
32-1 (Amended)
Gongwer Coverage

HB 506 ■ **DOG BREEDERS** (Hill, B.) To revise the law governing high volume dog breeders.
31-1 (Jordan)
Gongwer Coverage

SB 182 ■ **OUTDOOR DINING** (Coley, B.) To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

33-0

Gongwer Coverage

SB 263 ■ **NOTARY PUBLIC** (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act.
33-0
Gongwer Coverage

SB 296 ■ **LAW ENFORCEMENT BENEFITS** (LaRose, F., Hottinger, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state.
33-0
Gongwer Coverage

SB 299 ■ **WATER IMPROVEMENTS** (Gardner, R., O'Brien, S.) To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin.
33-0
Gongwer Coverage

REFERRED

Local Government, Public Safety & Veterans Affairs:

SB 305 ■ **ABSENTEE VOTERS** (LaRose, F.) To create the office for the uniformed services absent voter.

Rules & Reference:

SB 307 ■ **LEGISLATIVE INTENT** (Obhof, L.) To eliminate the rule of construction regarding a court's considerations in determining the intention of the legislature when a statute is ambiguous.

Transportation, Commerce & Workforce:

SB 306 ■ **ROAD NAMING** (Balderson, T.) To designate a portion of State Route 60 in Muskingum County as the "Lieutenant Michael J. Lutz Memorial Highway" and a portion of State Route 146 in Muskingum County as the "Deputy Sheriff Robert M. Tanner, Jr. Memorial Highway."

COMMITTEE HEARINGS

Ways & Means

HB 351 ■ **MILITARY TAX EXEMPTION** (Perales, R., Butler, J.) To require municipal corporations to exempt from taxation the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service. (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible vote)

SB 181 ■ **GARBAGE FEES** (O'Brien, S.) To authorize all municipal corporations that charge a garbage collection fee to certify unpaid amounts to the county auditor, who must enter the fees on the property tax list to be collected in the same manner as real property taxes. (**REPORTED (No testimony)**; 4th Hearing-All testimony-Possible vote)

Sen. Bob Peterson (R-Sabina), Sen. Kris Jordan (R-Ostrander) and Sen. Steve Wilson (R-Maineville) voted against the report.

Energy & Natural Resources

HB 114 ■ **RENEWABLE ENERGY** (Blessing, L.) To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.
(**CONTINUED** 6th Hearing-Proponent & interested party)

Kenny McDonald of Columbus 2020 testified in support. He said his organization is finding that companies looking to locate operations are becoming more interested in securing affordable, reliable and renewable power, and the bill would help the region meet their needs.

Mr. McDonald said the state's 2014 law on wind setbacks served as a "functional moratorium" on new turbine developments, and added that the bill would extend those setbacks to help the wind industry grow in the state.

Craig Sundstrom of APEX Clean Energy said his company can't move forward with its planned \$3 million investment in Ohio without the bill's passage. The company sees a strong market demand for wind power, but the current setbacks all but prohibit wind development, he said.

Mr. Sundstrom said the bill's compromise setback standards are a good step forward, and that they also restore the rights of private property owners and preserve local control. Alexandria Mock conveyed the testimony of the American Wind Energy Association, which is a proponent.

"The fact that Ohio is uniquely considering going in the opposite direction and reducing its commitments to renewable energy makes this a very difficult piece of legislation for AWEA to support," the group stated. "It is bad policy and bad for Ohio to reduce RPS goals. However, the need for setback reform in Ohio is so great that AWEA supports this compromise legislation. We strongly recommend that HB114 be amended to minimize or eliminate any RPS reduction in this bill because expanding commitment to low-cost clean energy is a recipe for economic success for Ohio and for America."

Zachary Frymier of the Ohio Chamber of Commerce also backed the bill that he said isn't perfect. Rather, he said provisions that extend wind setbacks are needed because current law has hampered economic development in the state.

Tyler Duvelius of the Ohio Conservative Energy Forum also supported the bill, saying his group supports the use of diverse, all-of-the-above energy sources. He said the bill represents a good compromise that brings certainty for businesses that are looking to invest in Ohio.

Martin D'Eramo and Jeff Schlegel of United Technologies Corporation testified as interested parties. Mr. Slagle said the company supports energy efficiency policies, but urged the panel to remove new language that he said allows utilities to earn shared savings for banked savings. Without the change, he said, customers will continue to pay for services but will get less of a benefit.

Mr. Martin said he understands there will likely be an opt-out for some businesses, but said that should be targeted to companies that are best able to implement their own projects.

Sam Randazzo, representing the Industrial Energy Users-Ohio, appeared as an interested party.

He said the group supports the bill's energy efficiency reforms, which, without changes, would cause consumers to pay higher costs tied to "government mandates that block the ability of customers to act on their own preferences."

He also asked the panel to advance provisions that allow all mercantile customers to opt-out of the energy efficiency and peak demand reduction mandates as of the start of 2020.

"As you may recall, Ohio's larger businesses already can make this election," he said. "It is IEU-Ohio's view that all mercantile customers should have the opportunity to act on their own energy efficiency and technology preference rather than be forced to pay for these government mandates."

Terrence O'Donnell offered interested party testimony on behalf of Ohio Advanced Energy Economy. He said the group likes the bill's changes to wind setback provisions, but raised concerns about the opt-out language for large companies.

"Allowing Ohio's largest energy users to opt-out will shift the financial burden onto consumers, increasing energy rates for all by limiting opportunities to manage and reduce energy consumption," he said.

Mr. O'Donnell also asked the panel to remove reduction EERS and RPS from the bill.

Mike Cope, president of the Ohio Coal Association, said his group has long argued that renewable portfolio standards are unfair to the coal industry and threaten thousands of Ohio jobs.

He said the group appreciates the changes made to the RPS, but still believes the free market should determine energy supply.

Greg Lawson of the Buckeye Institute also raised concerns about RPS mandates in general. He said the group supports the growth of the alternative energy industry, but opposes mandates, subsidies or bailouts for any specific industry.

SB 75 **PROPERTY LIENS (Brown, E.)** Regarding property liens for unpaid county or municipal water service charges. **(CONTINUED; 1st Hearing-Sponsor)**

Sen. Edna Brown (D-Toledo) said the bill requires water authorities to certify a handful of facts to county auditors before liens are filed against property owners. She said the bill is focused on preventing the filing of liens due to water bills that accumulated under the names of prior residents.

The senator said the bill was driven by concerns about a constituent who had a lien placed due to the debt associated with a 20-year-old water bill that was associated with another person. Currently, she said, water authorities can file liens against debts of any age.

Governor's Appointments: The panel also recommended confirmation of the governor's appointments of Gary Smith to the Wildlife Council and David Whiting to the Emergency Response Commission.

Subscribers please note: Full testimony is available on the [committee's website](#) under June 6.

Transportation, Commerce & Workforce

HB 347 **ROAD NAMING (Kelly, B., Dever, J.)** To designate a portion of I-71 in Hamilton County as the "Sonny L. Kim Memorial Highway." **(REPORTED (No testimony); 2nd Hearing-All testimony-Possible vote)**

SB 282 **LICENSE PLATE (Williams, S.)** To create the "National Council of Negro Women" license plate. **(CONTINUED; 1st Hearing-Sponsor)**

Sen. Sandra Williams (D-Cleveland) said in sponsor testimony \$25 will go to the National Council of Negro Women every time a resident applies for the license plate.

"The organization's mission to promote optimum physical, mental, and spiritual health for African American women is an important undertaking that has helped to keep families in our communities healthy," she said.

Sen. Edna Brown (D-Toledo) asked if the contribution would go to the national organization or a state or local chapter.

Sen. Williams said the money would go into an account that could only be used to fund efforts within in the state.

SB 293 **ADMINISTRATIVE REGULATIONS (Peterson, B., McColley, R.)** To require agencies to reduce the number of regulatory restrictions. **(CONTINUED (See separate story); 3rd Hearing-Opponent)**

SB 46 **ROAD NAMING (Williams, S.)** To designate portions of United States Route 422 within the municipal corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way." (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Williams said in sponsor testimony the Northeast Ohio businessman and political strategist was well known in the region and served in the U.S. Army and on the Cleveland school board.

"Arnold was an important figure to the Cleveland community. He was a role model in every sense of the word, aspirational, inspirational and caring," she said. "A successful entrepreneur himself, he never forgot to give back to his community."

Sen. Williams said Mr. Pinkney also supported numerous organizations, including the Urban League, 100 Black Men, the Cleveland Musical Arts Association, University Circle and the Race for Success."

Sen. Charleta B. Tavares (D-Columbus) said the legislation is "quite a fitting honor" to Mr. Pinkney. She said he was well known not just in Cleveland but throughout the state.

Government Oversight & Reform

SB 206 **ONLINE COMMUNICATIONS (Huffman, M.)** To enact the Ohio Citizen Participation Act to provide protections to persons who engage in certain specified protected communications and to protect the identity of persons who anonymously engage in online communications under certain circumstances. (**CONTINUED (See separate story)**; 2nd Hearing-Proponent)

SB 256 **ELECTION RESULTS (LaRose, F.)** To require the boards of elections to conduct risk-limiting audits of election results. (**CONTINUED**; 2nd Hearing-Proponent)

Shantiel Soeder, elections administrator in Cuyahoga County, said post-election audits are "vital to the election process for many reasons."

"They ensure election results are accurate, dissuade fraud against electronic voting technology, expose voting system hardware and software errors, and present election boards with the opportunity to rectify current performance shortfalls," she said. "Most importantly, post-election audits provide constituents with greater confidence in the voting process."

Under current law, election boards are required only to conduct post-election audits in even year general elections and presidential primaries.

Ms. Soeder also touted a provision that would require "risk-limiting audits."

"Risk-limiting audits have a large, pre-determined chance of leading to a full recount whenever a full recount would show a different outcome," she said. "The number of ballots to be audited is statistically determined by a number of different factors including the number of votes in each precinct, the margin of victory in that precinct, and the margin of victory within the contest as a whole. The risk we are seeking to limit here is the chance of certifying the machine-count outcome of a contest when a full hand count would produce a different result of the race."

In written proponent testimony, Liz Howard, cybersecurity elections counsel at the Brennan Center for Justice, called risk-limiting audits an important security step.

"These customized audit processes employ proven statistical models to consistently and efficiently provide a high level of confidence in the accuracy of the election outcome," she said.

SB 279 **FIREARM STORAGE** (Tavares, C., Sykes, V.) To prohibit a person from improperly storing or leaving a firearm if the person knows that a minor is able to gain access to the firearm and to provide criminal penalties, including forfeiture of firearms, if a minor gains unauthorized access to an improperly stored firearm. (**CONTINUED-SUBSTITUTE (See separate story)**; 1st Hearing-Sponsor)

SB 281 **FIREARM SALES** (Hoagland, F., Eklund, J.) To expressly grant federally licensed firearms dealers the right to refuse to sell or transfer a firearm to any person and to provide a dealer who asserts that right with immunity from civil liability for any injury, death, or loss that allegedly was caused by, resulted from, or was related to the refusal. (**CONTINUED (See separate story)**; 2nd Hearing-Proponent)

SB 283 **FIREARM TRANSFERS** (Thomas, C., Schiavoni, J.) To prohibit a firearm transfer from a person who is not a federally licensed firearms dealer to a person who is not a dealer unless it is done through a dealer, through a law enforcement agency, or pursuant to a specified exception, and to require that background checks be conducted when a firearm is transferred through a federally licensed firearms dealer or a law enforcement agency. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

Subscriber's Note: Full testimony is available on the [committee website](#) under June 6. **Education**

SB 276 **STUDENT EXPULSIONS** (Hottinger, J.) With respect to the expulsion of a student from a school district, community school, or STEM school for actions that endanger the health and safety of other students or school employees. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Jay Hottinger (R-Newark) said in sponsor testimony the measure would "strengthen the ability of Ohio's school districts to address dangerous behaviors amongst their students." Under existing law, a superintendent cannot expel a student for the semester unless he or she commits a significant violation of a school's code of conduct, Sen. Hottinger said. The proposed measure would allow school boards to give administrators the OK to remove students for up to 180 days for "actions that pose an imminent or severe endangerment to the health and safety of other pupils or school employees."

The bill would require a superintendent to establish conditions, including a mental health evaluation, which an expelled student must meet to return to the school, Sen. Hottinger said. The administration also would be required to meet with the student and his or her parents to plan for the student's ongoing education during the expulsion.

"Giving superintendents a greater ability to expel students for threatening actions will help prevent tragic events from happening in our Ohio schools," he said.

Sen. Gayle Manning (R-N. Ridgeville) said she "struggles" with the bill because she was a primary sponsor of a measure (**SB 246**) that prohibits many expulsions and suspensions involving young students. The measure later was included as an amendment to a measure (**HB 318**) passed by the Senate on Wednesday. (*See separate story*)

"What about the kids that go home to that empty home?" she said.

Sen. Manning said she does think the measure includes good provisions, including the requirement that the district collaborate on an educational plan for an expelled student.

Sen. Hottinger said although he agrees suspensions and expulsions should not be taken lightly, he thinks school administrators need to be able to take those actions in cases involving a possible imminent threat.

SB 287 **HEALTH EDUCATION (Sykes, V.)** To require the State Board of Education to develop and adopt health education standards for grades kindergarten through twelve and to require only venereal disease education standards and curriculum adopted by the State Board to be approved by concurrent resolution of the General Assembly. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Vernon Sykes (D-Akron) said in sponsor testimony Ohio is the only state in the nation that does not offer such standards, making health education a "forgotten content area."

"The lack of clear guidelines and standards contribute to poor health outcomes," he said.

"Research tells us that in Ohio about half of health education teachers use curriculum that is really outdated."

Sen. Sykes said the goal of the measure is for the state to provide a framework local districts can use to establish health lessons. He said the legislation would not make any changes regarding sexual education.

Chairwoman **Sen. Peggy Lehner** (R-Kettering) asked whether the state tracks if individual topics, such as dating violence and resuscitation, that the legislature has mandated be taught in schools actually are being put into lessons.

"We've imposed a number of standards in a sort of scattershot way," she said.

Sen. Lehner said she thinks one of the reasons the state does not have health education standards is the potential for controversy over sexual education. She said this measure takes a different approach by leaving that topic out of the standards.

SB 294 **EDUCATION SCHOLARSHIPS (Eklund, J.)** To increase the maximum amount that may be awarded to students under the Pilot Project (Cleveland) Scholarship Program. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. John Eklund (R-Chardon) said in sponsor testimony the scholarship program has "proven to be an excellent model" of how to support the education of at-risk children.

The senator said the maximum scholarship awarded through the program now is \$4,650 for students in kindergarten through eighth grade and \$6,000 for high school students. He said that amount does not come close to covering the cost of educating the youngest students the program serves.

Sen. Eklund said the bill would increase maximum scholarship award to \$7,000 for all grade levels.

Sen. Lehner asked how the sponsor arrived at the \$7,000 amount, which is higher than the awards from the state's EdChoice Scholarship Program.

Sen. Eklund said his hope is that similar increases could be extended to other education-choice programs if the state sees positive results from increasing the amount for the Cleveland Scholarship Program.

Governor's appointments: The committee recommended approval of the governor's appointment of Charles Froehlich to the State Board of Education.

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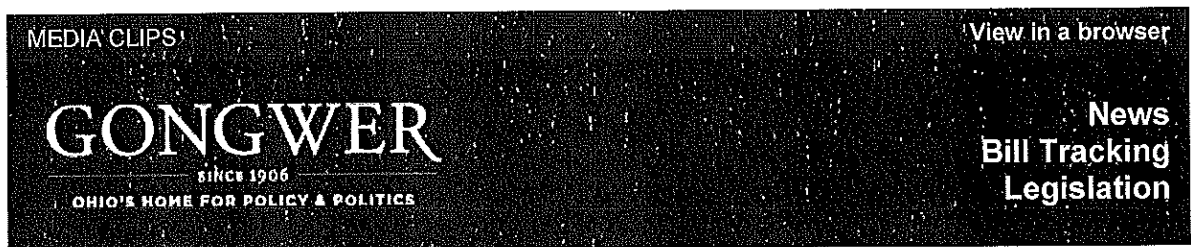
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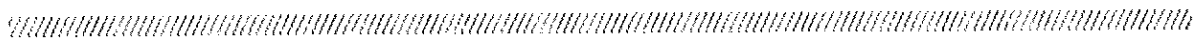
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Ohio's top court hears arguments on promotions tax dispute (Associated Press, 6/14/2018)

Mike Pence will be met with dancing drag queens in Columbus (Cincinnati Enquirer, 6/14/2018)

Poll: Ohio voters want to send message to Trump (Cincinnati Enquirer, 6/14/2018)

This 2018 poll has lots to make Ohio GOP worry (Cincinnati Enquirer, 6/14/2018)

Businesses want loans to fix failing multi-employer pension system (Cleveland Plain Dealer, 6/14/2018)

Jim Renacci's Senate campaign is staffing up for November 2018 Ohio election (Cleveland Plain Dealer, 6/14/2018)

Ohio dark-money group broke campaign-finance rules, group claims (Cleveland Plain Dealer, 6/14/2018)

Richard Cordray, Mike DeWine tied in latest poll. Sherrod Brown up big ... again. (Cleveland Plain Dealer, 6/14/2018)

Brown confident jobs safe at defense agencies in Whitehall (Columbus Dispatch, 6/14/2018)

Businesses warn of dire threat if multiemployer pension crisis is not addressed (Columbus Dispatch, 6/14/2018)

DeWine fights union plea for clothing allowance payments (Columbus Dispatch, 6/14/2018)

DeWine, Portman will share spotlight during Pence visit (Columbus Dispatch, 6/14/2018)

List of Ohio doctors approved to recommend medical marijuana grows (Columbus Dispatch, 6/14/2018)

Partnership to free up more money for Ohio suicide prevention programs (Columbus Dispatch, 6/14/2018)

Quinnipiac poll: DeWine-Cordray race too close to call (Columbus Dispatch, 6/14/2018)

Republican auditor candidate says opponent doesn't understand job (Columbus Dispatch, 6/14/2018)

Gov. John Kasich more popular with Democrats in Ohio than Republicans, poll says (Dayton Daily News, 6/14/2018)

New polls show Sherrod Brown up big over Jim Renacci in US Senate race (Dayton Daily News, 6/14/2018)

Who is Rep. Jim Jordan's favorite liberal? The answer might surprise you. (Dayton Daily News, 6/14/2018)

Sen. Sherrod Brown: Farm Bill might aid Lake Erie (Toledo Blade, 6/14/2018)

EDITORIALS

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Beacon Journal/Ohio.com editorial board: Forward with public universities (Akron Beacon Journal, 6/14/2018)

Editorial: Expect to hear = 2voter purge' into November (Canton Repository, 6/14/2018)

Editorial: Voter registrations won't be canceled; Ohioans should use them (Columbus Dispatch, 6/14/2018)

Sutton: If DeWine opposes right-to-work he should say so (Youngstown Vindicator, 6/14/2018)

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Marisa Myers

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SUB. H.B. 506 (HILL)
Revise law governing high volume dog breeders

House Co-Sponsors: Thompson, R. Smith, Patterson, Schuring, Seitz, Koehler, Patton, Stein, West, Sweeney, Kick, Ryan, Hoops, Hambley, Rezabek, Rogers
Senate Co-Sponsors: Hackett, Hoagland, O'Brien, Yuko

Bill History

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- 6/6/18 – Passed Senate (32-1)
- House Concurrence Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> • Patricia Haines – Ohio Veterinary Medical Assoc. <i>(Both House and Senate Versions)</i> 	<ul style="list-style-type: none"> • Vicki Deisner – Animal Welfare Institute <i>(Both House and Senate Versions)</i> • Beth Sheehan – Paws & the Law • Linda Goldstein • Sara Butts • Kellie DiFrischia – Columbus Dog Connection <i>(As Pending in Senate Committee)</i> • Zaron Van Meter – Scottish Terrier Rescue Association <i>(As Pending in Senate Committee)</i> • Rabbi Areyah Kaltmann <i>(As Pending in Senate Committee)</i> 	<ul style="list-style-type: none"> • Greg Lawson – The Buckeye Institute • Kellie DiFrischia – Columbus Dog Connection • Adam Sharp – Ohio Farm Bureau Federation • Sasha Rittenhouse – Ohio Cattlemen's Association • Tadd Nicholson – Ohio Corn & Wheat Growers • Scott Higgins – Ohio Dairy Producers Association • Bryan Humphreys – Ohio Pork Producers • Jim Chakeres – Ohio Poultry Association • Kirk Merritt – Ohio Soybean Association • Sharon Harvey – Cleveland Animal Protective League • Corey Roscoe – Humane Society of the United States • Tony Seegers – Ohio Cattlemen's, Corn & Wheat, Dairy Producers, Farm Bureau, Pork Council, Poultry Association, Soybean Association <i>(As Pending in Senate Committee)</i>

Updated June 19, 2018

		<ul style="list-style-type: none">• Sharon Harvey – Cleveland Animal Protective League (<i>As Pending in Senate Committee</i>)
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Key Provisions (As Passed by the Senate)

High-volume dog breeders

- Alters the factors for determining whether a dog breeder is subject to the law governing high-volume dog breeders by specifying that an establishment is a high-volume breeder if it keeps six or more breeding dogs and does one of the following:
 - Sells five or more adult dogs or puppies in a calendar year to dog brokers or pet stores;
 - Sells 40 or more puppies in a calendar year to the public; or
 - Keeps, at any given time in a calendar year, 40 or more puppies that are younger than four months, that are bred on the premises of the establishment, and that have primarily been kept from birth on the premises.
- Revises which dogs qualify as breeding dogs by specifying that a breeding dog is an unspayed female adult dog that is primarily used for producing offspring (rather than an unneutered, unspayed male or female dog that is primarily harbored or housed on property that is the dog's primary residence as in current law).
- Revises the fee schedule for annual high-volume dog breeder licenses by generally basing it on the number of puppies sold rather than the number of litters of puppies sold as under current law. (The fee ranges from \$150 to \$750, depending on the number of puppies sold.)

Standards of care

- Requires a high-volume dog breeder, in addition to complying with the existing rule-based standards of care, to comply with additional standards, including standards governing sustenance, housing, veterinarian care, and exercise and human interaction.¹
- Prohibits a person operating as a high-volume dog breeder from failing to comply with the above care requirements.
- Generally requires dog brokers and pet stores, prior to purchasing a dog from an in-state or out-of-state high-volume dog breeder, to request that the breeder sign a document stating that the breeder is in compliance with Ohio's standards of care.

Exemptions from the law

- Does both of the following regarding exemptions from the law governing high-volume dog breeders:
 - Exempts animal shelters that are operated by a humane society; and
 - Clarifies that a veterinarian is exempt only if the veterinarian is providing clinical care and is not engaged in the practice of dog breeding.

Civil penalties

- Alters the procedures that the Director must follow in order to impose civil penalties under the law governing high-volume dog breeders and pet stores.
- Increases the civil penalties for a first violation of that law from \$500 to \$2,500, and for a second violation of that law from \$2,500 to \$5,000.

Animal rescues for dogs

- Changes the registration for an animal rescue for dogs from a permanent registration to an annual registration.

Updated June 19, 2018

- Requires the Director to establish appropriate procedures for renewing the registration of a person who was registered as an animal rescue prior to the bill's effective date.
- Retains current law that does not authorize the imposition of a registration fee for an animal rescue for dogs, but authorizes the Director to charge a \$200 late renewal fee if a person fails to renew a registration prior to its expiration.
- Specifies that an entity cannot be considered an animal rescue for dogs if the entity sells a dog to a dog broker or pet store.

Dog brokers

- Changes the title of dog retailer to dog broker throughout the law governing dog breeders and makes conforming changes.

Additional Information

- **Synopsis of Senate Changes:**
 - Lowers the number of puppies required from 60 to 40 and the age of the puppies from younger than 6 months to younger than 4 months to qualify as a "high-volume dog breeder."
 - Specifies that a "breeding dog" is an unspayed female that is used primarily for producing offspring rather than a *fertile*, unspayed female.
 - Includes a requirement in rules adopted by the Director of Agriculture that the rules also address a requirement that high-volume dog breeders keep and maintain records of veterinary care for each dog for three years.
 - Requires food to be provided twice a day.
 - Requires a dog to have access to a continuous supply of potable water rather than requiring that breeders simply provide potable water.
 - Modifies the formula for calculating cage size standards to provide more space and specify standards for flooring – applies after December 31, 2021.
 - Allows for the use of an outdoor primary enclosure as included in the House version, but additionally requires approval from a veterinarian for the space.
 - Requires a breeder to house a dog with other dogs except for health, biosecurity, breeding, or behavioral reasons.
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 - Prohibits a breeder from producing more than 8 litters in the lifetime of a single female dog.
 - Requires a dog to have a minimum of 30 minutes of daily exercise.
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 - Requires a breeder to provide medical care for any *significant* condition and makes certain specifications for medical care.
 - Changes the title of dog retailer to dog broker
 - Rather than require the dog broker to verify that the breeder has complied with the requirements of the bill before purchasing dogs, it instead requires the dog broker to obtain a signed document from the high-volume breeder that the breeder complied with the bill's requirements/Ohio's standards of care
 - Implements an annual, rather than one-time, registration as an animal rescue for dogs and requires the director to adopt procedures for renewals

Updated June 19, 2018

- Maintains the same fee schedule for the license application fee as a high-volume dog breeder, but alters the number of puppies sold that determine which fee will be required
 - Eliminates the requirement that, when imposing civil penalties under this bill, the Director sends a citation by certified mail or personal service
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- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

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